

I_135_0127-1

135th General Assembly
Regular Session
2023-2024

Sub. H. B. No. 37

A BILL

To amend sections 1547.99, 1905.01, 2903.06, 1
2903.08, 2919.22, 2929.14, 2929.142, 3327.10, 2
4510.13, 4510.14, 4510.17, 4510.31, 4510.54, 3
4511.19, 4511.191, 4511.193, and 4511.195 of the 4
Revised Code to modify the law related to OVI- 5
related offenses, including penalties and the 6
relevant lookback period. 7

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

Section 1. That sections 1547.99, 1905.01, 2903.06, 8
2903.08, 2919.22, 2929.14, 2929.142, 3327.10, 4510.13, 4510.14, 9
4510.17, 4510.31, 4510.54, 4511.19, 4511.191, 4511.193, and 10
4511.195 of the Revised Code be amended to read as follows: 11

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 12
Revised Code is guilty of a felony of the fourth degree. 13

(B) Whoever violates division (F) of section 1547.08, 14
section 1547.10, division (I) of section 1547.111, section 15
1547.13, or section 1547.66 of the Revised Code is guilty of a 16
misdemeanor of the first degree. 17



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(C) Whoever violates a provision of this chapter or a rule, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. 18
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(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. 21
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(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. 24
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(F) Whoever violates division (N) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule is guilty of a misdemeanor of the fourth degree. 27
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(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G) (1), (2), or (3) of this section. 32
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(1) Except as otherwise provided in division (G) (2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail term. In addition, the court shall impose upon the offender a fine of not less than one hundred fifty nor more than one thousand dollars. 36
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The court may suspend the execution of the mandatory jail term of three consecutive days that it is required to impose by division (G) (1) of this section if the court, in lieu of the suspended jail term, places the offender under a community 43
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control sanction pursuant to section 2929.25 of the Revised Code 47
and requires the offender to attend, for three consecutive days, 48
a drivers' intervention program that is certified pursuant to 49
section 5119.38 of the Revised Code. The court also may suspend 50
the execution of any part of the mandatory jail term of three 51
consecutive days that it is required to impose by division (G) 52
(1) of this section if the court places the offender under a 53
community control sanction pursuant to section 2929.25 of the 54
Revised Code for part of the three consecutive days; requires 55
the offender to attend, for that part of the three consecutive 56
days, a drivers' intervention program that is certified pursuant 57
to section 5119.38 of the Revised Code; and sentences the 58
offender to a jail term equal to the remainder of the three 59
consecutive days that the offender does not spend attending the 60
drivers' intervention program. The court may require the 61
offender, as a condition of community control, to attend and 62
satisfactorily complete any treatment or education programs, in 63
addition to the required attendance at a drivers' intervention 64
program, that the operators of the drivers' intervention program 65
determine that the offender should attend and to report 66
periodically to the court on the offender's progress in the 67
programs. The court also may impose any other conditions of 68
community control on the offender that it considers necessary. 69

(2) If, within ~~ten~~-twenty years of the offense, the 70
offender has been convicted of or pleaded guilty to one 71
violation of division (A) of section 1547.11 of the Revised Code 72
or one other equivalent offense, the court shall sentence the 73
offender to a jail term of ten consecutive days and may sentence 74
the offender pursuant to section 2929.24 of the Revised Code to 75
a longer jail term. In addition, the court shall impose upon the 76
offender a fine of not less than one hundred fifty nor more than 77

one thousand dollars. 78

In addition to any other sentence that it imposes upon the 79
offender, the court may require the offender to attend a 80
drivers' intervention program that is certified pursuant to 81
section 5119.38 of the Revised Code. 82

(3) If, within ~~ten~~twenty years of the offense, the 83
offender has been convicted of or pleaded guilty to more than 84
one violation or offense identified in division (G)(2) of this 85
section, the court shall sentence the offender to a jail term of 86
thirty consecutive days and may sentence the offender to a 87
longer jail term of not more than one year. In addition, the 88
court shall impose upon the offender a fine of not less than one 89
hundred fifty nor more than one thousand dollars. 90

In addition to any other sentence that it imposes upon the 91
offender, the court may require the offender to attend a 92
drivers' intervention program that is certified pursuant to 93
section 5119.38 of the Revised Code. 94

(4) Upon a showing that serving a jail term would 95
seriously affect the ability of an offender sentenced pursuant 96
to division (G)(1), (2), or (3) of this section to continue the 97
offender's employment, the court may authorize that the offender 98
be granted work release after the offender has served the 99
mandatory jail term of three, ten, or thirty consecutive days 100
that the court is required by division (G)(1), (2), or (3) of 101
this section to impose. No court shall authorize work release 102
during the mandatory jail term of three, ten, or thirty 103
consecutive days that the court is required by division (G)(1), 104
(2), or (3) of this section to impose. The duration of the work 105
release shall not exceed the time necessary each day for the 106
offender to commute to and from the place of employment and the 107

place in which the jail term is served and the time actually 108
spent under employment. 109

(5) Notwithstanding any section of the Revised Code that 110
authorizes the suspension of the imposition or execution of a 111
sentence or the placement of an offender in any treatment 112
program in lieu of being imprisoned or serving a jail term, no 113
court shall suspend the mandatory jail term of ten or thirty 114
consecutive days required to be imposed by division (G) (2) or 115
(3) of this section or place an offender who is sentenced 116
pursuant to division (G) (2) or (3) of this section in any 117
treatment program in lieu of being imprisoned or serving a jail 118
term until after the offender has served the mandatory jail term 119
of ten or thirty consecutive days required to be imposed 120
pursuant to division (G) (2) or (3) of this section. 121

Notwithstanding any section of the Revised Code that authorizes 122
the suspension of the imposition or execution of a sentence or 123
the placement of an offender in any treatment program in lieu of 124
being imprisoned or serving a jail term, no court, except as 125
specifically authorized by division (G) (1) of this section, 126
shall suspend the mandatory jail term of three consecutive days 127
required to be imposed by division (G) (1) of this section or 128
place an offender who is sentenced pursuant to division (G) (1) 129
of this section in any treatment program in lieu of imprisonment 130
until after the offender has served the mandatory jail term of 131
three consecutive days required to be imposed pursuant to 132
division (G) (1) of this section. 133

(6) As used in division (G) of this section: 134

(a) "Equivalent offense" has the same meaning as in 135
section 4511.181 of the Revised Code. 136

(b) "Jail term" and "mandatory jail term" have the same 137

meanings as in section 2929.01 of the Revised Code. 138

(H) Whoever violates section 1547.304 of the Revised Code 139
is guilty of a misdemeanor of the fourth degree and also shall 140
be assessed any costs incurred by the state or a county, 141
township, municipal corporation, or other political subdivision 142
in disposing of an abandoned junk vessel or outboard motor, less 143
any money accruing to the state, county, township, municipal 144
corporation, or other political subdivision from that disposal. 145

(I) Whoever violates division (B) or (C) of section 146
1547.49 of the Revised Code is guilty of a minor misdemeanor. 147

(J) Whoever violates section 1547.31 of the Revised Code 148
is guilty of a misdemeanor of the fourth degree on a first 149
offense. On each subsequent offense, the person is guilty of a 150
misdemeanor of the third degree. 151

(K) Whoever violates section 1547.05 or 1547.051 of the 152
Revised Code is guilty of a misdemeanor of the fourth degree if 153
the violation is not related to a collision, injury to a person, 154
or damage to property and a misdemeanor of the third degree if 155
the violation is related to a collision, injury to a person, or 156
damage to property. 157

(L) The sentencing court, in addition to the penalty 158
provided under this section for a violation of this chapter or a 159
rule that involves a powercraft powered by more than ten 160
horsepower and that, in the opinion of the court, involves a 161
threat to the safety of persons or property, shall order the 162
offender to complete successfully a boating course approved by 163
the national association of state boating law administrators 164
before the offender is allowed to operate a powercraft powered 165
by more than ten horsepower on the waters in this state. 166

Violation of a court order entered under this division is 167
punishable as contempt under Chapter 2705. of the Revised Code. 168

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 169
Gilead in Morrow county, in any municipal corporation located 170
entirely on an island in Lake Erie, and in all other municipal 171
corporations having a population of more than two hundred, other 172
than Batavia in Clermont county, not being the site of a 173
municipal court nor a place where a judge of the Auglaize 174
county, Crawford county, Jackson county, Miami county, 175
Montgomery county, Portage county, or Wayne county municipal 176
court sits as required pursuant to section 1901.021 of the 177
Revised Code or by designation of the judges pursuant to section 178
1901.021 of the Revised Code, the mayor of the municipal 179
corporation has jurisdiction, except as provided in divisions 180
(B), (C), and (E) of this section and subject to the limitation 181
contained in section 1905.03 and the limitation contained in 182
section 1905.031 of the Revised Code, to hear and determine any 183
prosecution for the violation of an ordinance of the municipal 184
corporation, to hear and determine any case involving a 185
violation of a vehicle parking or standing ordinance of the 186
municipal corporation unless the violation is required to be 187
handled by a parking violations bureau or joint parking 188
violations bureau pursuant to Chapter 4521. of the Revised Code, 189
and to hear and determine all criminal causes involving any 190
moving traffic violation occurring on a state highway located 191
within the boundaries of the municipal corporation, subject to 192
the limitations of sections 2937.08 and 2938.04 of the Revised 193
Code. 194

(B) (1) In Georgetown in Brown county, in Mount Gilead in 195
Morrow county, in any municipal corporation located entirely on 196
an island in Lake Erie, and in all other municipal corporations 197

having a population of more than two hundred, other than Batavia 198
in Clermont county, not being the site of a municipal court nor 199
a place where a judge of a court listed in division (A) of this 200
section sits as required pursuant to section 1901.021 of the 201
Revised Code or by designation of the judges pursuant to section 202
1901.021 of the Revised Code, the mayor of the municipal 203
corporation has jurisdiction, subject to the limitation 204
contained in section 1905.03 of the Revised Code, to hear and 205
determine prosecutions involving a violation of an ordinance of 206
the municipal corporation relating to operating a vehicle while 207
under the influence of alcohol, a drug of abuse, or a 208
combination of them or relating to operating a vehicle with a 209
prohibited concentration of alcohol, a controlled substance, or 210
a metabolite of a controlled substance in the whole blood, blood 211
serum or plasma, breath, or urine, and to hear and determine 212
criminal causes involving a violation of section 4511.19 of the 213
Revised Code that occur on a state highway located within the 214
boundaries of the municipal corporation, subject to the 215
limitations of sections 2937.08 and 2938.04 of the Revised Code, 216
only if the person charged with the violation, within ~~ten~~twenty 217
years of the date of the violation charged, has not been 218
convicted of or pleaded guilty to any of the following: 219

(a) A violation of an ordinance of any municipal 220
corporation relating to operating a vehicle while under the 221
influence of alcohol, a drug of abuse, or a combination of them 222
or relating to operating a vehicle with a prohibited 223
concentration of alcohol, a controlled substance, or a 224
metabolite of a controlled substance in the whole blood, blood 225
serum or plasma, breath, or urine; 226

(b) A violation of section 4511.19 of the Revised Code; 227

(c) A violation of any ordinance of any municipal corporation or of any section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets, to which all of the following apply:

(i) The person, in the case in which the conviction was obtained or the plea of guilty was entered, had been charged with a violation of an ordinance of a type described in division (B) (1) (a) of this section, or with a violation of section 4511.19 of the Revised Code;

(ii) The charge of the violation described in division (B) (1) (c) (i) of this section was dismissed or reduced;

(iii) The violation of which the person was convicted or to which the person pleaded guilty arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(d) A violation of a statute of the United States or 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.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (B) (1) (a) or (b) of this section, regardless of where the violation occurred, if the person charged with the violation, within ~~ten~~ twenty years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (B) (1) (a), (b), (c), or (d) of this section.

If the mayor of a municipal corporation, in hearing a

prosecution involving a violation of an ordinance of the 257
municipal corporation the mayor serves relating to operating a 258
vehicle while under the influence of alcohol, a drug of abuse, 259
or a combination of them or relating to operating a vehicle with 260
a prohibited concentration of alcohol, a controlled substance, 261
or a metabolite of a controlled substance in the whole blood, 262
blood serum or plasma, breath, or urine, or in hearing a 263
criminal cause involving a violation of section 4511.19 of the 264
Revised Code, determines that the person charged, within ~~ten-~~ 265
twenty years of the violation charged, has been convicted of or 266
pleaded guilty to any violation listed in division (B) (1) (a), 267
(b), (c), or (d) of this section, the mayor immediately shall 268
transfer the case to the county court or municipal court with 269
jurisdiction over the violation charged, in accordance with 270
section 1905.032 of the Revised Code. 271

(C) (1) In Georgetown in Brown county, in Mount Gilead in 272
Morrow county, in any municipal corporation located entirely on 273
an island in Lake Erie, and in all other municipal corporations 274
having a population of more than two hundred, other than Batavia 275
in Clermont county, not being the site of a municipal court and 276
not being a place where a judge of a court listed in division 277
(A) of this section sits as required pursuant to section 278
1901.021 of the Revised Code or by designation of the judges 279
pursuant to section 1901.021 of the Revised Code, the mayor of 280
the municipal corporation, subject to sections 1901.031, 281
2937.08, and 2938.04 of the Revised Code, has jurisdiction to 282
hear and determine prosecutions involving a violation of a 283
municipal ordinance that is substantially equivalent to division 284
(A) of section 4510.14 or section 4510.16 of the Revised Code 285
and to hear and determine criminal causes that involve a moving 286
traffic violation, that involve a violation of division (A) of 287

section 4510.14 or section 4510.16 of the Revised Code, and that 288
occur on a state highway located within the boundaries of the 289
municipal corporation only if all of the following apply 290
regarding the violation and the person charged: 291

(a) Regarding a violation of section 4510.16 of the 292
Revised Code or a violation of a municipal ordinance that is 293
substantially equivalent to that division, the person charged 294
with the violation, within six years of the date of the 295
violation charged, has not been convicted of or pleaded guilty 296
to any of the following: 297

(i) A violation of section 4510.16 of the Revised Code; 298

(ii) A violation of a municipal ordinance that is 299
substantially equivalent to section 4510.16 of the Revised Code; 300

(iii) A violation of any municipal ordinance or section of 301
the Revised Code that regulates the operation of vehicles, 302
streetcars, and trackless trolleys upon the highways or streets, 303
in a case in which, after a charge against the person of a 304
violation of a type described in division (C) (1) (a) (i) or (ii) 305
of this section was dismissed or reduced, the person is 306
convicted of or pleads guilty to a violation that arose out of 307
the same facts and circumstances and the same act as did the 308
charge that was dismissed or reduced. 309

(b) Regarding a violation of division (A) of section 310
4510.14 of the Revised Code or a violation of a municipal 311
ordinance that is substantially equivalent to that division, the 312
person charged with the violation, within ~~six~~twenty years of 313
the date of the violation charged, has not been convicted of or 314
pleaded guilty to any of the following: 315

(i) A violation of division (A) of section 4510.14 of the 316

Revised Code; 317

(ii) A violation of a municipal ordinance that is 318
substantially equivalent to division (A) of section 4510.14 of 319
the Revised Code; 320

(iii) A violation of any municipal ordinance or section of 321
the Revised Code that regulates the operation of vehicles, 322
streetcars, and trackless trolleys upon the highways or streets 323
in a case in which, after a charge against the person of a 324
violation of a type described in division (C) (1) (b) (i) or (ii) 325
of this section was dismissed or reduced, the person is 326
convicted of or pleads guilty to a violation that arose out of 327
the same facts and circumstances and the same act as did the 328
charge that was dismissed or reduced. 329

(2) The mayor of a municipal corporation does not have 330
jurisdiction to hear and determine any prosecution or criminal 331
cause involving a violation described in division (C) (1) (a) (i) 332
or (ii) of this section if the person charged with the 333
violation, within six years of the violation charged, has been 334
convicted of or pleaded guilty to any violation listed in 335
division (C) (1) (a) (i), (ii), or (iii) of this section and does 336
not have jurisdiction to hear and determine any prosecution or 337
criminal cause involving a violation described in division (C) 338
(1) (b) (i) or (ii) of this section if the person charged with the 339
violation, within ~~six~~ twenty years of the violation charged, has 340
been convicted of or pleaded guilty to any violation listed in 341
division (C) (1) (b) (i), (ii), or (iii) of this section. 342

(3) If the mayor of a municipal corporation, in hearing a 343
prosecution involving a violation of an ordinance of the 344
municipal corporation the mayor serves that is substantially 345
equivalent to division (A) of section 4510.14 or section 4510.16 346

of the Revised Code or a violation of division (A) of section 347
4510.14 or section 4510.16 of the Revised Code, determines that, 348
under division (C) (2) of this section, mayors do not have 349
jurisdiction of the prosecution, the mayor immediately shall 350
transfer the case to the county court or municipal court with 351
jurisdiction over the violation in accordance with section 352
1905.032 of the Revised Code. 353

(D) If the mayor of a municipal corporation has 354
jurisdiction pursuant to division (B) (1) of this section to hear 355
and determine a prosecution or criminal cause involving a 356
violation described in division (B) (1) (a) or (b) of this 357
section, the authority of the mayor to hear or determine the 358
prosecution or cause is subject to the limitation contained in 359
division (C) of section 1905.03 of the Revised Code. If the 360
mayor of a municipal corporation has jurisdiction pursuant to 361
division (A) or (C) of this section to hear and determine a 362
prosecution or criminal cause involving a violation other than a 363
violation described in division (B) (1) (a) or (b) of this 364
section, the authority of the mayor to hear or determine the 365
prosecution or cause is subject to the limitation contained in 366
division (C) of section 1905.031 of the Revised Code. 367

(E) (1) The mayor of a municipal corporation does not have 368
jurisdiction to hear and determine any prosecution or criminal 369
cause involving any of the following: 370

(a) A violation of section 2919.25 or 2919.27 of the 371
Revised Code; 372

(b) A violation of section 2903.11, 2903.12, 2903.13, 373
2903.211, or 2911.211 of the Revised Code that involves a person 374
who was a family or household member of the defendant at the 375
time of the violation; 376

(c) A violation of a municipal ordinance that is 377
substantially equivalent to an offense described in division (E) 378
(1) (a) or (b) of this section and that involves a person who was 379
a family or household member of the defendant at the time of the 380
violation. 381

(2) The mayor of a municipal corporation does not have 382
jurisdiction to hear and determine a motion filed pursuant to 383
section 2919.26 of the Revised Code or filed pursuant to a 384
municipal ordinance that is substantially equivalent to that 385
section or to issue a protection order pursuant to that section 386
or a substantially equivalent municipal ordinance. 387

(3) As used in this section, "family or household member" 388
has the same meaning as in section 2919.25 of the Revised Code. 389

(F) In keeping a docket and files, the mayor, and a 390
mayor's court magistrate appointed under section 1905.05 of the 391
Revised Code, shall be governed by the laws pertaining to county 392
courts. 393

Sec. 2903.06. (A) No person, while operating or 394
participating in the operation of a motor vehicle, motorcycle, 395
snowmobile, locomotive, watercraft, or aircraft, shall cause the 396
death of another or the unlawful termination of another's 397
pregnancy in any of the following ways: 398

(1) (a) As the proximate result of committing a ~~violation~~ 399
~~of division (A) of section 4511.19 of the Revised Code or of a~~ 400
~~substantially equivalent municipal ordinance~~ low tier OVI 401
offense; 402

(b) As the proximate result of committing a ~~violation of~~ 403
~~division (A) of section 1547.11 of the Revised Code or of a~~ 404
~~substantially equivalent municipal ordinance;~~ 405

~~(c) As the proximate result of committing a violation of~~ 406
~~division (A) (3) of section 4561.15 of the Revised Code or of a~~ 407
~~substantially equivalent municipal ordinance~~high tier OVI 408
offense. 409

(2) In one of the following ways: 410

(a) Recklessly; 411

(b) As the proximate result of committing, while operating 412
or participating in the operation of a motor vehicle or 413
motorcycle in a construction zone, a reckless operation offense, 414
provided that this division applies only if the person whose 415
death is caused or whose pregnancy is unlawfully terminated is 416
in the construction zone at the time of the offender's 417
commission of the reckless operation offense in the construction 418
zone and does not apply as described in division (F) of this 419
section. 420

(3) In one of the following ways: 421

(a) Negligently; 422

(b) As the proximate result of committing, while operating 423
or participating in the operation of a motor vehicle or 424
motorcycle in a construction zone, a speeding offense, provided 425
that this division applies only if the person whose death is 426
caused or whose pregnancy is unlawfully terminated is in the 427
construction zone at the time of the offender's commission of 428
the speeding offense in the construction zone and does not apply 429
as described in division (F) of this section. 430

(4) As the proximate result of committing a violation of 431
any provision of any section contained in Title XLV of the 432
Revised Code that is a minor misdemeanor or of a municipal 433
ordinance that, regardless of the penalty set by ordinance for 434

the violation, is substantially equivalent to any provision of 435
any section contained in Title XLV of the Revised Code that is a 436
minor misdemeanor. 437

(B) (1) Whoever violates division (A) (1) or (2) of this 438
section is guilty of aggravated vehicular homicide and shall be 439
punished as provided in divisions (B) (2) and (3) of this 440
section. 441

(2) (a) Except as otherwise provided in division ~~(B) (2) (b)~~ 442
~~or (c)~~ (B) (2) (c), (d), (e), or (f) of this section, aggravated 443
vehicular homicide committed in violation of division ~~(A) (1)~~ (A) 444
(1) (a) of this section is a felony of the second degree and the 445
court shall impose a mandatory prison term on the offender as 446
described in division (E) of this section. 447

(b) Except as otherwise provided in division (B) (2) (c), 448
(d), (e), or (f) of this section, aggravated vehicular homicide 449
committed in violation of division ~~(A) (1)~~ (A) (1) (b) of this 450
section is a felony of the first degree, and the court shall 451
impose a mandatory prison term on the offender as described in 452
division (E) of this section. 453

(c) Except as otherwise provided in division (B) (2) (d), 454
(e), or (f) of this section, aggravated vehicular homicide 455
committed in violation of division (A) (1) of this section is a 456
felony of the first degree, and the court shall impose a 457
mandatory prison term on the offender as described in division 458
(E) of this section, if any of the following apply: 459

(i) At the time of the offense, the offender was driving 460
under a suspension or cancellation imposed under Chapter 4510. 461
or any other provision of the Revised Code or was operating a 462
motor vehicle or motorcycle, did not have a valid driver's 463

license, commercial driver's license, temporary instruction 464
permit, probationary license, or nonresident operating 465
privilege, and was not eligible for renewal of the offender's 466
driver's license or commercial driver's license without 467
examination under section 4507.10 of the Revised Code. 468

(ii) The offender previously has been convicted of or 469
pleaded guilty to ~~a one prior violation of this section~~ a low 470
tier OVI offense or a reckless operation offense that involved 471
alcohol, a drug of abuse, or a combination of them within the 472
previous twenty years. 473

(iii) The offender previously has been convicted of or 474
pleaded guilty to ~~any one prior~~ traffic-related homicide, 475
manslaughter, or assault offense within the previous twenty 476
years. 477

~~(e) Aggravated~~ (d) Except as otherwise provided in 478
division (B) (2) (e) or (f) this section, aggravated vehicular 479
homicide committed in violation of division (A) (1) of this 480
section is a felony of the first degree, and the court shall 481
sentence the offender to a mandatory prison term as provided in 482
section 2929.142 of the Revised Code and described in division 483
(E) of this section if any of the following apply: 484

(i) The offender previously has been convicted of or 485
pleaded guilty to ~~three or more one prior violations of division~~ 486
~~(A) of section 4511.19 of the Revised Code or of a substantially~~ 487
~~equivalent municipal ordinance violation of a high tier OVI~~ 488
offense within the previous ten twenty years. 489

(ii) The offender previously has been convicted of or 490
pleaded guilty to ~~three or more two prior violations of division~~ 491
~~(A) of section 1547.11 of the Revised Code or of a substantially~~ 492

~~equivalent municipal ordinance low tier OVI offenses within the~~ 493
~~previous ten twenty years.~~ 494

(iii) The offender previously has been convicted of or 495
pleaded guilty to ~~three or more two~~ prior violations of division 496
~~(A) (3) of section 4561.15 of the Revised Code or of a~~ 497
~~substantially equivalent municipal ordinance traffic-related~~ 498
~~homicide, manslaughter, or assault offenses within the previous~~ 499
~~ten twenty years.~~ 500

(iv) The offender previously has been convicted of or 501
pleaded guilty to ~~three or more two~~ prior violations of division 502
~~(A) (1) of this section any combination of the offenses listed in~~ 503
~~division (B) (2) (d) (ii) and (iii) of this section within the~~ 504
~~previous ten twenty years.~~ 505

~~(v) The offender previously has been convicted of or~~ 506
~~pleaded guilty to three or more prior violations of division (A)~~ 507
~~(1) of section 2903.08 of the Revised Code within the previous~~ 508
~~ten years.~~ 509

~~(vi) The offender previously has been convicted of or~~ 510
~~pleaded guilty to three or more prior violations of section~~ 511
~~2903.04 of the Revised Code within the previous ten years in~~ 512
~~circumstances in which division (D) of that section applied~~ 513
~~regarding the violations.~~ 514

~~(vii) The offender previously has been convicted of or~~ 515
~~pleaded guilty to three or more violations of any combination of~~ 516
~~the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),~~ 517
~~(v), or (vi) of this section within the previous ten years.~~ 518

~~(viii) The offender previously has been convicted of or~~ 519
~~pleaded guilty to a second or subsequent felony violation of~~ 520
~~division (A) of section 4511.19 of the Revised Code.~~ 521

~~(d)-(e) Except as otherwise provided in division (B) (2) (f)~~ 522
of this section, aggravated vehicular homicide committed in 523
violation of division (A) (1) of this section is a felony of the 524
first degree, and the court shall sentence the offender to a 525
mandatory prison term as provided in section 2929.142 of the 526
Revised Code and described in division (E) of this section if 527
any of the following apply: 528

(i) The offender previously has been convicted of or 529
pleaded guilty to one prior violation of a low tier OVI offense 530
and one prior violation of a high tier OVI offense within the 531
previous twenty years. 532

(ii) The offender previously has been convicted of or 533
pleaded guilty to three prior violations of low tier OVI 534
offenses within the previous twenty years. 535

(iii) The offender previously has been convicted of or 536
pleaded guilty to three prior traffic-related homicide, 537
manslaughter, or assault offenses within the previous twenty 538
years. 539

(iv) The offender previously has been convicted of or 540
pleaded guilty to three prior violations of any combination of 541
the offenses listed in divisions (B) (2) (e) (ii) and (iii) of this 542
section within the previous twenty years. 543

(f) Aggravated vehicular homicide committed in violation 544
of division (A) (1) of this section is a felony of the first 545
degree, and the court shall sentence the offender to a mandatory 546
prison term as provided in section 2929.142 of the Revised Code 547
and described in division (E) of this section if any of the 548
following apply: 549

(i) The offender previously has been convicted of or 550

pleaded guilty to two prior violations of high tier OVI offenses 551
within the previous twenty years. 552

(ii) The offender previously has been convicted of or 553
pleaded guilty to two prior violations of low tier OVI offenses 554
and one prior violation of a high tier OVI offense within the 555
previous twenty years. 556

(g) In addition to any other sanctions imposed pursuant to 557
division (B) (2) (a), (b), ~~or (c)~~, (d), (e), or (f) of this 558
section for aggravated vehicular homicide committed in violation 559
of division (A) (1) of this section, the court shall impose upon 560
the offender a class one suspension of the offender's driver's 561
license, commercial driver's license, temporary instruction 562
permit, probationary license, or nonresident operating privilege 563
as specified in division (A) (1) of section 4510.02 of the 564
Revised Code. 565

Divisions (A) (1) to (3) of section 4510.54 of the Revised 566
Code apply to a suspension imposed under division ~~(B) (2) (d)~~ (B) 567
(2) (g) of this section. 568

(h) Notwithstanding section 2929.18 of the Revised Code, 569
and in addition to any other sanctions imposed pursuant to 570
division (B) (2) of this section for aggravated vehicular 571
homicide committed in violation of division (A) (1) of this 572
section, the court shall impose upon the offender a fine of not 573
more than twenty-five thousand dollars. 574

(3) Except as otherwise provided in this division, 575
aggravated vehicular homicide committed in violation of division 576
(A) (2) of this section is a felony of the third degree. 577
Aggravated vehicular homicide committed in violation of division 578
(A) (2) of this section is a felony of the second degree if, at 579

the time of the offense, the offender was driving under a 580
suspension or cancellation imposed under Chapter 4510. or any 581
other provision of the Revised Code or was operating a motor 582
vehicle or motorcycle, did not have a valid driver's license, 583
commercial driver's license, temporary instruction permit, 584
probationary license, or nonresident operating privilege, and 585
was not eligible for renewal of the offender's driver's license 586
or commercial driver's license without examination under section 587
4507.10 of the Revised Code or if the offender previously has 588
been convicted of or pleaded guilty to a violation of this 589
section or any traffic-related homicide, manslaughter, or 590
assault offense. The court shall impose a mandatory prison term 591
on the offender when required by division (E) of this section. 592

In addition to any other sanctions imposed pursuant to 593
this division for a violation of division (A) (2) of this 594
section, the court shall impose upon the offender a class two 595
suspension of the offender's driver's license, commercial 596
driver's license, temporary instruction permit, probationary 597
license, or nonresident operating privilege from the range 598
specified in division (A) (2) of section 4510.02 of the Revised 599
Code or, if the offender previously has been convicted of or 600
pleaded guilty to a traffic-related murder, felonious assault, 601
or attempted murder offense, a class one suspension of the 602
offender's driver's license, commercial driver's license, 603
temporary instruction permit, probationary license, or 604
nonresident operating privilege as specified in division (A) (1) 605
of that section. 606

(C) Whoever violates division (A) (3) of this section is 607
guilty of vehicular homicide. Except as otherwise provided in 608
this division, vehicular homicide is a misdemeanor of the first 609
degree. Vehicular homicide committed in violation of division 610

(A) (3) of this section is a felony of the fourth degree if, at 611
the time of the offense, the offender was driving under a 612
suspension or cancellation imposed under Chapter 4510. or any 613
other provision of the Revised Code or was operating a motor 614
vehicle or motorcycle, did not have a valid driver's license, 615
commercial driver's license, temporary instruction permit, 616
probationary license, or nonresident operating privilege, and 617
was not eligible for renewal of the offender's driver's license 618
or commercial driver's license without examination under section 619
4507.10 of the Revised Code or if the offender previously has 620
been convicted of or pleaded guilty to a violation of this 621
section or any traffic-related homicide, manslaughter, or 622
assault offense. The court shall impose a mandatory jail term or 623
a mandatory prison term on the offender when required by 624
division (E) of this section. 625

In addition to any other sanctions imposed pursuant to 626
this division, the court shall impose upon the offender a class 627
four suspension of the offender's driver's license, commercial 628
driver's license, temporary instruction permit, probationary 629
license, or nonresident operating privilege from the range 630
specified in division (A) (4) of section 4510.02 of the Revised 631
Code, or, if the offender previously has been convicted of or 632
pleaded guilty to a violation of this section or any traffic- 633
related homicide, manslaughter, or assault offense, a class 634
three suspension of the offender's driver's license, commercial 635
driver's license, temporary instruction permit, probationary 636
license, or nonresident operating privilege from the range 637
specified in division (A) (3) of that section, or, if the 638
offender previously has been convicted of or pleaded guilty to a 639
traffic-related murder, felonious assault, or attempted murder 640
offense, a class two suspension of the offender's driver's 641

license, commercial driver's license, temporary instruction 642
permit, probationary license, or nonresident operating privilege 643
as specified in division (A)(2) of that section. 644

(D) Whoever violates division (A)(4) of this section is 645
guilty of vehicular manslaughter. Except as otherwise provided 646
in this division, vehicular manslaughter is a misdemeanor of the 647
second degree. Vehicular manslaughter is a misdemeanor of the 648
first degree if, at the time of the offense, the offender was 649
driving under a suspension or cancellation imposed under Chapter 650
4510. or any other provision of the Revised Code or was 651
operating a motor vehicle or motorcycle, did not have a valid 652
driver's license, commercial driver's license, temporary 653
instruction permit, probationary license, or nonresident 654
operating privilege, and was not eligible for renewal of the 655
offender's driver's license or commercial driver's license 656
without examination under section 4507.10 of the Revised Code or 657
if the offender previously has been convicted of or pleaded 658
guilty to a violation of this section or any traffic-related 659
homicide, manslaughter, or assault offense. 660

In addition to any other sanctions imposed pursuant to 661
this division, the court shall impose upon the offender a class 662
six suspension of the offender's driver's license, commercial 663
driver's license, temporary instruction permit, probationary 664
license, or nonresident operating privilege from the range 665
specified in division (A)(6) of section 4510.02 of the Revised 666
Code or, if the offender previously has been convicted of or 667
pleaded guilty to a violation of this section, any traffic- 668
related homicide, manslaughter, or assault offense, or a 669
traffic-related murder, felonious assault, or attempted murder 670
offense, a class four suspension of the offender's driver's 671
license, commercial driver's license, temporary instruction 672

permit, probationary license, or nonresident operating privilege 673
from the range specified in division (A) (4) of that section. 674

(E) (1) The court shall impose a mandatory prison term on 675
an offender who is convicted of or pleads guilty to a violation 676
of division (A) (1) of this section. Except as otherwise provided 677
in this division, the mandatory prison term shall be a definite 678
term from the range of prison terms provided in division (A) (1) 679
(b) of section 2929.14 of the Revised Code for a felony of the 680
first degree or from division (A) (2) (b) of that section for a 681
felony of the second degree, whichever is applicable, except 682
that if the violation is committed on or after March 22, 2019, 683
the court shall impose as the minimum prison term for the 684
offense a mandatory prison term that is one of the minimum terms 685
prescribed for a felony of the first degree in division (A) (1) 686
(a) of section 2929.14 of the Revised Code or one of the terms 687
prescribed for a felony of the second degree in division (A) (2) 688
(a) of that section, whichever is applicable. If division ~~(B) (2)~~ 689
~~(c) (i), (ii), (iii), (iv), (v), (vi), (vii), or (viii)~~ (B) (2) 690
(d), (e), or (f) of this section applies to an offender who is 691
convicted of or pleads guilty to the violation of division (A) 692
(1) of this section, the court shall impose the mandatory prison 693
term pursuant to division (A), (B), or (C) of section 2929.142 694
of the Revised Code, whichever is applicable. The court shall 695
impose a mandatory jail term of at least fifteen days on an 696
offender who is convicted of or pleads guilty to a misdemeanor 697
violation of division (A) (3) (b) of this section and may impose 698
upon the offender a longer jail term as authorized pursuant to 699
section 2929.24 of the Revised Code. 700

(2) The court shall impose a mandatory prison term on an 701
offender who is convicted of or pleads guilty to a violation of 702
division (A) (2) or (3) (a) of this section or a felony violation 703

of division (A) (3) (b) of this section if either division (E) (2) 704
(a) or (b) of this section applies. The mandatory prison term 705
shall be a definite term from the range of prison terms provided 706
in division (A) (3) (a) of section 2929.14 of the Revised Code for 707
a felony of the third degree or from division (A) (4) of that 708
section for a felony of the fourth degree, whichever is 709
applicable. The court shall impose a mandatory prison term on an 710
offender in a category described in this division if either of 711
the following applies: 712

(a) The offender previously has been convicted of or 713
pleaded guilty to a violation of this section or section 2903.08 714
of the Revised Code. 715

(b) At the time of the offense, the offender was driving 716
under suspension or cancellation under Chapter 4510. or any 717
other provision of the Revised Code or was operating a motor 718
vehicle or motorcycle, did not have a valid driver's license, 719
commercial driver's license, temporary instruction permit, 720
probationary license, or nonresident operating privilege, and 721
was not eligible for renewal of the offender's driver's license 722
or commercial driver's license without examination under section 723
4507.10 of the Revised Code. 724

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 725
apply in a particular construction zone unless signs of the type 726
described in section 2903.081 of the Revised Code are erected in 727
that construction zone in accordance with the guidelines and 728
design specifications established by the director of 729
transportation under section 5501.27 of the Revised Code. The 730
failure to erect signs of the type described in section 2903.081 731
of the Revised Code in a particular construction zone in 732
accordance with those guidelines and design specifications does 733

not limit or affect the application of division (A) (1), (A) (2) 734
(a), (A) (3) (a), or (A) (4) of this section in that construction 735
zone or the prosecution of any person who violates any of those 736
divisions in that construction zone. 737

(G) (1) As used in this section: 738

(a) "Mandatory prison term" and "mandatory jail term" have 739
the same meanings as in section 2929.01 of the Revised Code. 740

(b) "Traffic-related homicide, manslaughter, or assault 741
offense" means a violation of section 2903.04 of the Revised 742
Code in circumstances in which division (D) of that section 743
applies, a violation of section 2903.06 or 2903.08 of the 744
Revised Code, or a violation of section 2903.06, 2903.07, or 745
2903.08 of the Revised Code as they existed prior to March 23, 746
2000. 747

(c) "Construction zone" has the same meaning as in section 748
5501.27 of the Revised Code. 749

(d) "Reckless operation offense" means a violation of 750
section 4511.20 of the Revised Code or a municipal ordinance 751
substantially equivalent to section 4511.20 of the Revised Code. 752

(e) "Speeding offense" means a violation of section 753
4511.21 of the Revised Code or a municipal ordinance pertaining 754
to speed. 755

(f) "Traffic-related murder, felonious assault, or 756
attempted murder offense" means a violation of section 2903.01 757
or 2903.02 of the Revised Code in circumstances in which the 758
offender used a motor vehicle as the means to commit the 759
violation, a violation of division (A) (2) of section 2903.11 of 760
the Revised Code in circumstances in which the deadly weapon 761
used in the commission of the violation is a motor vehicle, or 762

an attempt to commit aggravated murder or murder in violation of 763
section 2923.02 of the Revised Code in circumstances in which 764
the offender used a motor vehicle as the means to attempt to 765
commit the aggravated murder or murder. 766

(g) "Motor vehicle" has the same meaning as in section 767
4501.01 of the Revised Code. 768

(h) "Low tier OVI offense" means a violation of division 769
(A) (1) (a), (b), (c), (d), (e), or (j) of section 4511.19 of the 770
Revised Code, a violation of division (A) of section 1547.11 of 771
the Revised Code, a violation of division (A) (3) of section 772
4561.15 of the Revised Code, or a substantially equivalent 773
municipal ordinance. 774

(i) "High tier OVI offense" means a violation of division 775
(A) (1) (f), (g), (h), or (i) of section 4511.19 of the Revised 776
Code or a substantially equivalent municipal ordinance. 777

(2) For the purposes of this section, when a penalty or 778
suspension is enhanced because of a prior or current violation 779
of a specified law or a prior or current specified offense, the 780
reference to the violation of the specified law or the specified 781
offense includes any violation of any substantially equivalent 782
municipal ordinance, former law of this state, or current or 783
former law of another state or the United States. 784

Sec. 2903.08. (A) No person, while operating or 785
participating in the operation of a motor vehicle, motorcycle, 786
snowmobile, locomotive, watercraft, or aircraft, shall cause 787
serious physical harm to another person or another's unborn in 788
any of the following ways: 789

(1) (a) As the proximate result of committing a violation 790
of division (A) of section 4511.19 of the Revised Code or of a 791

substantially equivalent municipal ordinance; 792

(b) As the proximate result of committing a violation of 793
division (A) of section 1547.11 of the Revised Code or of a 794
substantially equivalent municipal ordinance; 795

(c) As the proximate result of committing a violation of 796
division (A) (3) of section 4561.15 of the Revised Code or of a 797
substantially equivalent municipal ordinance. 798

(2) In one of the following ways: 799

(a) As the proximate result of committing, while operating 800
or participating in the operation of a motor vehicle or 801
motorcycle in a construction zone, a reckless operation offense, 802
provided that this division applies only if the person to whom 803
the serious physical harm is caused or to whose unborn the 804
serious physical harm is caused is in the construction zone at 805
the time of the offender's commission of the reckless operation 806
offense in the construction zone and does not apply as described 807
in division (E) of this section; 808

(b) Recklessly. 809

(3) As the proximate result of committing, while operating 810
or participating in the operation of a motor vehicle or 811
motorcycle in a construction zone, a speeding offense, provided 812
that this division applies only if the person to whom the 813
serious physical harm is caused or to whose unborn the serious 814
physical harm is caused is in the construction zone at the time 815
of the offender's commission of the speeding offense in the 816
construction zone and does not apply as described in division 817
(E) of this section. 818

(B) (1) Whoever violates division (A) (1) of this section is 819
guilty of aggravated vehicular assault. Except as otherwise 820

provided in this division, aggravated vehicular assault is a 821
felony of the third degree. Aggravated vehicular assault is a 822
felony of the second degree if any of the following apply: 823

(a) At the time of the offense, the offender was driving 824
under a suspension imposed under Chapter 4510. or any other 825
provision of the Revised Code. 826

(b) The offender previously has been convicted of or 827
pleaded guilty to a violation of this section. 828

(c) The offender previously has been convicted of or 829
pleaded guilty to any traffic-related homicide, manslaughter, or 830
assault offense. 831

(d) The offender previously has been convicted of or 832
pleaded guilty to three or more prior violations of division (A) 833
of section 4511.19 of the Revised Code or a substantially 834
equivalent municipal ordinance within the previous ~~ten~~twenty 835
years. 836

(e) The offender previously has been convicted of or 837
pleaded guilty to three or more prior violations of division (A) 838
of section 1547.11 of the Revised Code or of a substantially 839
equivalent municipal ordinance within the previous ~~ten~~twenty 840
years. 841

(f) The offender previously has been convicted of or 842
pleaded guilty to three or more prior violations of division (A) 843
(3) of section 4561.15 of the Revised Code or of a substantially 844
equivalent municipal ordinance within the previous ~~ten~~twenty 845
years. 846

(g) The offender previously has been convicted of or 847
pleaded guilty to three or more prior violations of any 848
combination of the offenses listed in division (B) (1) (d), (e), 849

or (f) of this section within the previous twenty years. 850

(h) The offender previously has been convicted of or 851
pleaded guilty to a second or subsequent felony violation of 852
division (A) of section 4511.19 of the Revised Code. 853

(2) In addition to any other sanctions imposed pursuant to 854
division (B)(1) of this section, except as otherwise provided in 855
this division, the court shall impose upon the offender a class 856
three suspension of the offender's driver's license, commercial 857
driver's license, temporary instruction permit, probationary 858
license, or nonresident operating privilege from the range 859
specified in division (A)(3) of section 4510.02 of the Revised 860
Code. If the offender previously has been convicted of or 861
pleaded guilty to a violation of this section, any traffic- 862
related homicide, manslaughter, or assault offense, or any 863
traffic-related murder, felonious assault, or attempted murder 864
offense, the court shall impose either a class two suspension of 865
the offender's driver's license, commercial driver's license, 866
temporary instruction permit, probationary license, or 867
nonresident operating privilege from the range specified in 868
division (A)(2) of that section or a class one suspension as 869
specified in division (A)(1) of that section. 870

(C)(1) Whoever violates division (A)(2) or (3) of this 871
section is guilty of vehicular assault and shall be punished as 872
provided in divisions (C)(2) and (3) of this section. 873

(2) Except as otherwise provided in this division, 874
vehicular assault committed in violation of division (A)(2) of 875
this section is a felony of the fourth degree. Vehicular assault 876
committed in violation of division (A)(2) of this section is a 877
felony of the third degree if, at the time of the offense, the 878
offender was driving under a suspension imposed under Chapter 879

4510. or any other provision of the Revised Code, if the 880
offender previously has been convicted of or pleaded guilty to a 881
violation of this section or any traffic-related homicide, 882
manslaughter, or assault offense, or if, in the same course of 883
conduct that resulted in the violation of division (A)(2) of 884
this section, the offender also violated section 4549.02, 885
4549.021, or 4549.03 of the Revised Code. 886

In addition to any other sanctions imposed, the court 887
shall impose upon the offender a class four suspension of the 888
offender's driver's license, commercial driver's license, 889
temporary instruction permit, probationary license, or 890
nonresident operating privilege from the range specified in 891
division (A)(4) of section 4510.02 of the Revised Code or, if 892
the offender previously has been convicted of or pleaded guilty 893
to a violation of this section, any traffic-related homicide, 894
manslaughter, or assault offense, or any traffic-related murder, 895
felonious assault, or attempted murder offense, a class three 896
suspension of the offender's driver's license, commercial 897
driver's license, temporary instruction permit, probationary 898
license, or nonresident operating privilege from the range 899
specified in division (A)(3) of that section. 900

(3) Except as otherwise provided in this division, 901
vehicular assault committed in violation of division (A)(3) of 902
this section is a misdemeanor of the first degree. Vehicular 903
assault committed in violation of division (A)(3) of this 904
section is a felony of the fourth degree if, at the time of the 905
offense, the offender was driving under a suspension imposed 906
under Chapter 4510. or any other provision of the Revised Code 907
or if the offender previously has been convicted of or pleaded 908
guilty to a violation of this section or any traffic-related 909
homicide, manslaughter, or assault offense. 910

In addition to any other sanctions imposed, the court shall impose upon the offender 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 or, if the offender previously has been convicted of or pleaded guilty to a violation of this section, any traffic-related homicide, manslaughter, or assault offense, or any traffic-related murder, felonious assault, or attempted murder offense, a class three 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) (3) of section 4510.02 of the Revised Code.

(D) (1) The court shall impose a mandatory prison term, as described in division (D) (4) of this section, on an offender who is convicted of or pleads guilty to a violation of division (A) (1) of this section.

(2) The court shall impose a mandatory prison term, as described in division (D) (4) of this section, on an offender who is convicted of or pleads guilty to a violation of division (A) (2) of this section or a felony violation of division (A) (3) of this section if either of the following applies:

(a) The offender previously has been convicted of or pleaded guilty to a violation of this section or section 2903.06 of the Revised Code.

(b) At the time of the offense, the offender was driving under suspension under Chapter 4510. or any other provision of the Revised Code.

(3) The court shall impose a mandatory jail term of at least seven days on an offender who is convicted of or pleads guilty to a misdemeanor violation of division (A) (3) of this section and may impose upon the offender a longer jail term as authorized pursuant to section 2929.24 of the Revised Code.

(4) A mandatory prison term required under division (D) (1) or (2) of this section shall be a definite term from the range of prison terms provided in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, from division (A) (3) (a) of that section for a felony of the third degree, or from division (A) (4) of that section for a felony of the fourth degree, whichever is applicable, except that if the violation is a felony of the second degree committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed for a felony of the second degree in division (A) (2) (a) of section 2929.14 of the Revised Code.

(E) Divisions (A) (2) (a) and (3) of this section do not apply in a particular construction zone unless signs of the type described in section 2903.081 of the Revised Code are erected in that construction zone in accordance with the guidelines and design specifications established by the director of transportation under section 5501.27 of the Revised Code. The failure to erect signs of the type described in section 2903.081 of the Revised Code in a particular construction zone in accordance with those guidelines and design specifications does not limit or affect the application of division (A) (1) or (2) (b) of this section in that construction zone or the prosecution of any person who violates either of those divisions in that construction zone.

(F) As used in this section:	972
(1) "Mandatory prison term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	973 974
(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code.	975 976 977 978
(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code.	979 980
(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.	981 982 983
(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States.	984 985 986 987 988 989 990
Sec. 2919.22. (A) No person, who is the parent, guardian, custodian, person having custody or control, or person in loco parentis of a child under eighteen years of age or a child with a mental or physical disability under twenty-one years of age, shall create a substantial risk to the health or safety of the child, by violating a duty of care, protection, or support. It is not a violation of a duty of care, protection, or support under this division when the parent, guardian, custodian, or person having custody or control of a child treats the physical or mental illness or disability of the child by spiritual means	991 992 993 994 995 996 997 998 999 1000

through prayer alone, in accordance with the tenets of a 1001
recognized religious body. 1002

(B) No person shall do any of the following to a child 1003
under eighteen years of age or a child with a mental or physical 1004
disability under twenty-one years of age: 1005

(1) Abuse the child; 1006

(2) Torture or cruelly abuse the child; 1007

(3) Administer corporal punishment or other physical 1008
disciplinary measure, or physically restrain the child in a 1009
cruel manner or for a prolonged period, which punishment, 1010
discipline, or restraint is excessive under the circumstances 1011
and creates a substantial risk of serious physical harm to the 1012
child; 1013

(4) Repeatedly administer unwarranted disciplinary 1014
measures to the child, when there is a substantial risk that 1015
such conduct, if continued, will seriously impair or retard the 1016
child's mental health or development; 1017

(5) Entice, coerce, permit, encourage, compel, hire, 1018
employ, use, or allow the child to act, model, or in any other 1019
way participate in, or be photographed for, the production, 1020
presentation, dissemination, or advertisement of any material or 1021
performance that the offender knows or reasonably should know is 1022
obscene, is sexually oriented matter, or is nudity-oriented 1023
matter; 1024

(6) Allow the child to be on the same parcel of real 1025
property and within one hundred feet of, or, in the case of more 1026
than one housing unit on the same parcel of real property, in 1027
the same housing unit and within one hundred feet of, any act in 1028
violation of section 2925.04 or 2925.041 of the Revised Code 1029

when the person knows that the act is occurring, whether or not 1030
any person is prosecuted for or convicted of the violation of 1031
section 2925.04 or 2925.041 of the Revised Code that is the 1032
basis of the violation of this division. 1033

(C) (1) No person shall operate a vehicle, streetcar, or 1034
trackless trolley within this state in violation of division (A) 1035
of section 4511.19 of the Revised Code when one or more children 1036
under eighteen years of age are in the vehicle, streetcar, or 1037
trackless trolley. Notwithstanding any other provision of law, a 1038
person may be convicted at the same trial or proceeding of a 1039
violation of this division and a violation of division (A) of 1040
section 4511.19 of the Revised Code that constitutes the basis 1041
of the charge of the violation of this division. For purposes of 1042
sections 4511.191 to 4511.197 of the Revised Code and all 1043
related provisions of law, a person arrested for a violation of 1044
this division shall be considered to be under arrest for 1045
operating a vehicle while under the influence of alcohol, a drug 1046
of abuse, or a combination of them or for operating a vehicle 1047
with a prohibited concentration of alcohol, a controlled 1048
substance, or a metabolite of a controlled substance in the 1049
whole blood, blood serum or plasma, breath, or urine. 1050

(2) As used in division (C) (1) of this section: 1051

(a) "Controlled substance" has the same meaning as in 1052
section 3719.01 of the Revised Code. 1053

(b) "Vehicle," "streetcar," and "trackless trolley" have 1054
the same meanings as in section 4511.01 of the Revised Code. 1055

(D) (1) Division (B) (5) of this section does not apply to 1056
any material or performance that is produced, presented, or 1057
disseminated for a bona fide medical, scientific, educational, 1058

religious, governmental, judicial, or other proper purpose, by 1059
or to a physician, psychologist, sociologist, scientist, 1060
teacher, person pursuing bona fide studies or research, 1061
librarian, member of the clergy, prosecutor, judge, or other 1062
person having a proper interest in the material or performance. 1063

(2) Mistake of age is not a defense to a charge under 1064
division (B) (5) of this section. 1065

(3) In a prosecution under division (B) (5) of this 1066
section, the trier of fact may infer that an actor, model, or 1067
participant in the material or performance involved is a 1068
juvenile if the material or performance, through its title, 1069
text, visual representation, or otherwise, represents or depicts 1070
the actor, model, or participant as a juvenile. 1071

(4) As used in this division and division (B) (5) of this 1072
section: 1073

(a) "Material," "performance," "obscene," and "sexual 1074
activity" have the same meanings as in section 2907.01 of the 1075
Revised Code. 1076

(b) "Nudity-oriented matter" means any material or 1077
performance that shows a minor in a state of nudity and that, 1078
taken as a whole by the average person applying contemporary 1079
community standards, appeals to prurient interest. 1080

(c) "Sexually oriented matter" means any material or 1081
performance that shows a minor participating or engaging in 1082
sexual activity, masturbation, or bestiality. 1083

(E) (1) Whoever violates this section is guilty of 1084
endangering children. 1085

(2) If the offender violates division (A) or (B) (1) of 1086

this section, endangering children is one of the following, and, 1087
in the circumstances described in division (E) (2) (e) of this 1088
section, that division applies: 1089

(a) Except as otherwise provided in division (E) (2) (b), 1090
(c), or (d) of this section, a misdemeanor of the first degree; 1091

(b) If the offender previously has been convicted of an 1092
offense under this section or of any offense involving neglect, 1093
abandonment, contributing to the delinquency of, or physical 1094
abuse of a child, except as otherwise provided in division (E) 1095
(2) (c) or (d) of this section, a felony of the fourth degree; 1096

(c) If the violation is a violation of division (A) of 1097
this section and results in serious physical harm to the child 1098
involved, a felony of the third degree; 1099

(d) If the violation is a violation of division (B) (1) of 1100
this section and results in serious physical harm to the child 1101
involved, a felony of the second degree. 1102

(e) If the violation is a felony violation of division (B) 1103
(1) of this section and the offender also is convicted of or 1104
pleads guilty to a specification as described in section 1105
2941.1422 of the Revised Code that was included in the 1106
indictment, count in the indictment, or information charging the 1107
offense, the court shall sentence the offender to a mandatory 1108
prison term as provided in division (B) (7) of section 2929.14 of 1109
the Revised Code and shall order the offender to make 1110
restitution as provided in division (B) (8) of section 2929.18 of 1111
the Revised Code. 1112

(3) If the offender violates division (B) (2), (3), (4), or 1113
(6) of this section, except as otherwise provided in this 1114
division, endangering children is a felony of the third degree. 1115

If the violation results in serious physical harm to the child 1116
involved, or if the offender previously has been convicted of an 1117
offense under this section or of any offense involving neglect, 1118
abandonment, contributing to the delinquency of, or physical 1119
abuse of a child, endangering children is a felony of the second 1120
degree. If the offender violates division (B) (2), (3), or (4) of 1121
this section and the offender also is convicted of or pleads 1122
guilty to a specification as described in section 2941.1422 of 1123
the Revised Code that was included in the indictment, count in 1124
the indictment, or information charging the offense, the court 1125
shall sentence the offender to a mandatory prison term as 1126
provided in division (B) (7) of section 2929.14 of the Revised 1127
Code and shall order the offender to make restitution as 1128
provided in division (B) (8) of section 2929.18 of the Revised 1129
Code. If the offender violates division (B) (6) of this section 1130
and the drug involved is methamphetamine, the court shall impose 1131
a mandatory prison term on the offender as follows: 1132

(a) If the violation is a violation of division (B) (6) of 1133
this section that is a felony of the third degree under division 1134
(E) (3) of this section and the drug involved is methamphetamine, 1135
except as otherwise provided in this division, the court shall 1136
impose as a mandatory prison term one of the prison terms 1137
prescribed for a felony of the third degree that is not less 1138
than two years. If the violation is a violation of division (B) 1139
(6) of this section that is a felony of the third degree under 1140
division (E) (3) of this section, if the drug involved is 1141
methamphetamine, and if the offender previously has been 1142
convicted of or pleaded guilty to a violation of division (B) (6) 1143
of this section, a violation of division (A) of section 2925.04 1144
of the Revised Code, or a violation of division (A) of section 1145
2925.041 of the Revised Code, the court shall impose as a 1146

mandatory prison term one of the prison terms prescribed for a 1147
felony of the third degree that is not less than five years. 1148

(b) If the violation is a violation of division (B) (6) of 1149
this section that is a felony of the second degree under 1150
division (E) (3) of this section and the drug involved is 1151
methamphetamine, except as otherwise provided in this division, 1152
the court shall impose as a mandatory prison term one of the 1153
definite prison terms prescribed for a felony of the second 1154
degree in division (A) (2) (b) of section 2929.14 of the Revised 1155
Code that is not less than three years, except that if the 1156
violation is committed on or after ~~the effective date of this~~ 1157
~~amendment~~ March 22, 2019, the court shall impose as the minimum 1158
prison term for the offense a mandatory prison term that is one 1159
of the minimum terms prescribed for a felony of the second 1160
degree in division (A) (2) (a) of that section that is not less 1161
than three years. If the violation is a violation of division 1162
(B) (6) of this section that is a felony of the second degree 1163
under division (E) (3) of this section, if the drug involved is 1164
methamphetamine, and if the offender previously has been 1165
convicted of or pleaded guilty to a violation of division (B) (6) 1166
of this section, a violation of division (A) of section 2925.04 1167
of the Revised Code, or a violation of division (A) of section 1168
2925.041 of the Revised Code, the court shall impose as a 1169
mandatory prison term one of the definite prison terms 1170
prescribed for a felony of the second degree in division (A) (2) 1171
(b) of section 2929.14 of the Revised Code that is not less than 1172
five years, except that if the violation is committed on or 1173
after March 22, 2019, the court shall impose as the minimum 1174
prison term for the offense a mandatory prison term that is one 1175
of the terms prescribed for a felony of the second degree in 1176
division (A) (2) (a) of that section that is not less than five 1177

years. 1178

(4) If the offender violates division (B) (5) of this 1179
section, endangering children is a felony of the second degree. 1180
If the offender also is convicted of or pleads guilty to a 1181
specification as described in section 2941.1422 of the Revised 1182
Code that was included in the indictment, count in the 1183
indictment, or information charging the offense, the court shall 1184
sentence the offender to a mandatory prison term as provided in 1185
division (B) (7) of section 2929.14 of the Revised Code and shall 1186
order the offender to make restitution as provided in division 1187
(B) (8) of section 2929.18 of the Revised Code. 1188

(5) If the offender violates division (C) of this section, 1189
the offender shall be punished as follows: 1190

(a) Except as otherwise provided in division (E) (5) (b) or 1191
(c) of this section, endangering children in violation of 1192
division (C) of this section is a misdemeanor of the first 1193
degree. 1194

(b) If the violation results in serious physical harm to 1195
the child involved or the offender previously has been convicted 1196
of an offense under this section or any offense involving 1197
neglect, abandonment, contributing to the delinquency of, or 1198
physical abuse of a child, except as otherwise provided in 1199
division (E) (5) (c) of this section, endangering children in 1200
violation of division (C) of this section is a felony of the 1201
fifth degree. 1202

(c) If the violation results in serious physical harm to 1203
the child involved and if the offender previously has been 1204
convicted of a violation of division (C) of this section, 1205
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 1206

of the Revised Code as it existed prior to March 23, 2000, or 1207
section 2903.04 of the Revised Code in a case in which the 1208
offender was subject to the sanctions described in division (D) 1209
of that section, endangering children in violation of division 1210
(C) of this section is a felony of the fourth degree. 1211

(d) In addition to any term of imprisonment, fine, or 1212
other sentence, penalty, or sanction it imposes upon the 1213
offender pursuant to division (E) (5) (a), (b), or (c) of this 1214
section or pursuant to any other provision of law and in 1215
addition to any suspension of the offender's driver's or 1216
commercial driver's license or permit or nonresident operating 1217
privilege under Chapter 4506., 4509., 4510., or 4511. of the 1218
Revised Code or under any other provision of law, the court also 1219
may impose upon the offender a class seven suspension of the 1220
offender's driver's or commercial driver's license or permit or 1221
nonresident operating privilege from the range specified in 1222
division (A) (7) of section 4510.02 of the Revised Code. 1223

(e) In addition to any term of imprisonment, fine, or 1224
other sentence, penalty, or sanction imposed upon the offender 1225
pursuant to division (E) (5) (a), (b), (c), or (d) of this section 1226
or pursuant to any other provision of law for the violation of 1227
division (C) of this section, if as part of the same trial or 1228
proceeding the offender also is convicted of or pleads guilty to 1229
a separate charge charging the violation of division (A) of 1230
section 4511.19 of the Revised Code that was the basis of the 1231
charge of the violation of division (C) of this section, the 1232
offender also shall be sentenced in accordance with section 1233
4511.19 of the Revised Code for that violation of division (A) 1234
of section 4511.19 of the Revised Code. 1235

(F) (1) (a) A court may require an offender to perform not 1236

more than two hundred hours of supervised community service work 1237
under the authority of an agency, subdivision, or charitable 1238
organization. The requirement shall be part of the community 1239
control sanction or sentence of the offender, and the court 1240
shall impose the community service in accordance with and 1241
subject to divisions (F)(1)(a) and (b) of this section. The 1242
court may require an offender whom it requires to perform 1243
supervised community service work as part of the offender's 1244
community control sanction or sentence to pay the court a 1245
reasonable fee to cover the costs of the offender's 1246
participation in the work, including, but not limited to, the 1247
costs of procuring a policy or policies of liability insurance 1248
to cover the period during which the offender will perform the 1249
work. If the court requires the offender to perform supervised 1250
community service work as part of the offender's community 1251
control sanction or sentence, the court shall do so in 1252
accordance with the following limitations and criteria: 1253

(i) The court shall require that the community service 1254
work be performed after completion of the term of imprisonment 1255
or jail term imposed upon the offender for the violation of 1256
division (C) of this section, if applicable. 1257

(ii) The supervised community service work shall be 1258
subject to the limitations set forth in divisions (B)(1), (2), 1259
and (3) of section 2951.02 of the Revised Code. 1260

(iii) The community service work shall be supervised in 1261
the manner described in division (B)(4) of section 2951.02 of 1262
the Revised Code by an official or person with the 1263
qualifications described in that division. The official or 1264
person periodically shall report in writing to the court 1265
concerning the conduct of the offender in performing the work. 1266

(iv) The court shall inform the offender in writing that 1267
if the offender does not adequately perform, as determined by 1268
the court, all of the required community service work, the court 1269
may order that the offender be committed to a jail or workhouse 1270
for a period of time that does not exceed the term of 1271
imprisonment that the court could have imposed upon the offender 1272
for the violation of division (C) of this section, reduced by 1273
the total amount of time that the offender actually was 1274
imprisoned under the sentence or term that was imposed upon the 1275
offender for that violation and by the total amount of time that 1276
the offender was confined for any reason arising out of the 1277
offense for which the offender was convicted and sentenced as 1278
described in sections 2949.08 and 2967.191 of the Revised Code, 1279
and that, if the court orders that the offender be so committed, 1280
the court is authorized, but not required, to grant the offender 1281
credit upon the period of the commitment for the community 1282
service work that the offender adequately performed. 1283

(b) If a court, pursuant to division (F)(1)(a) of this 1284
section, orders an offender to perform community service work as 1285
part of the offender's community control sanction or sentence 1286
and if the offender does not adequately perform all of the 1287
required community service work, as determined by the court, the 1288
court may order that the offender be committed to a jail or 1289
workhouse for a period of time that does not exceed the term of 1290
imprisonment that the court could have imposed upon the offender 1291
for the violation of division (C) of this section, reduced by 1292
the total amount of time that the offender actually was 1293
imprisoned under the sentence or term that was imposed upon the 1294
offender for that violation and by the total amount of time that 1295
the offender was confined for any reason arising out of the 1296
offense for which the offender was convicted and sentenced as 1297

described in sections 2949.08 and 2967.191 of the Revised Code. 1298
The court may order that a person committed pursuant to this 1299
division shall receive hour-for-hour credit upon the period of 1300
the commitment for the community service work that the offender 1301
adequately performed. No commitment pursuant to this division 1302
shall exceed the period of the term of imprisonment that the 1303
sentencing court could have imposed upon the offender for the 1304
violation of division (C) of this section, reduced by the total 1305
amount of time that the offender actually was imprisoned under 1306
that sentence or term and by the total amount of time that the 1307
offender was confined for any reason arising out of the offense 1308
for which the offender was convicted and sentenced as described 1309
in sections 2949.08 and 2967.191 of the Revised Code. 1310

(2) Division (F) (1) of this section does not limit or 1311
affect the authority of the court to suspend the sentence 1312
imposed upon a misdemeanor offender and place the offender under 1313
a community control sanction pursuant to section 2929.25 of the 1314
Revised Code, to require a misdemeanor or felony offender to 1315
perform supervised community service work in accordance with 1316
division (B) of section 2951.02 of the Revised Code, or to place 1317
a felony offender under a community control sanction. 1318

(G) (1) If a court suspends an offender's driver's or 1319
commercial driver's license or permit or nonresident operating 1320
privilege under division (E) (5) (d) of this section, the period 1321
of the suspension shall be consecutive to, and commence after, 1322
the period of suspension of the offender's driver's or 1323
commercial driver's license or permit or nonresident operating 1324
privilege that is imposed under Chapter 4506., 4509., 4510., or 1325
4511. of the Revised Code or under any other provision of law in 1326
relation to the violation of division (C) of this section that 1327
is the basis of the suspension under division (E) (5) (d) of this 1328

section or in relation to the violation of division (A) of 1329
section 4511.19 of the Revised Code that is the basis for that 1330
violation of division (C) of this section. 1331

(2) An offender is not entitled to request, and the court 1332
shall not grant to the offender, limited driving privileges if 1333
the offender's license, permit, or privilege has been suspended 1334
under division (E) (5) (d) of this section and the offender, 1335
within the preceding ~~six~~ twenty years, has been convicted of or 1336
pleaded guilty to three or more violations of one or more of the 1337
following: 1338

(a) Division (C) of this section; 1339

(b) Any equivalent offense, as defined in section 4511.181 1340
of the Revised Code. 1341

(H) (1) If a person violates division (C) of this section 1342
and if, at the time of the violation, there were two or more 1343
children under eighteen years of age in the motor vehicle 1344
involved in the violation, the offender may be convicted of a 1345
violation of division (C) of this section for each of the 1346
children, but the court may sentence the offender for only one 1347
of the violations. 1348

(2) (a) If a person is convicted of or pleads guilty to a 1349
violation of division (C) of this section but the person is not 1350
also convicted of and does not also plead guilty to a separate 1351
charge charging the violation of division (A) of section 4511.19 1352
of the Revised Code that was the basis of the charge of the 1353
violation of division (C) of this section, both of the following 1354
apply: 1355

(i) For purposes of the provisions of section 4511.19 of 1356
the Revised Code that set forth the penalties and sanctions for 1357

a violation of division (A) of section 4511.19 of the Revised Code, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute a violation of division (A) of section 4511.19 of the Revised Code;

(ii) For purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code and that is not described in division (H) (2) (a) (i) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall constitute a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(b) If a person is convicted of or pleads guilty to a violation of division (C) of this section and the person also is convicted of or pleads guilty to a separate charge charging the violation of division (A) of section 4511.19 of the Revised Code that was the basis of the charge of the violation of division (C) of this section, the conviction of or plea of guilty to the violation of division (C) of this section shall not constitute, for purposes of any provision of law that refers to a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code, a conviction of or plea of guilty to a violation of division (A) of section 4511.19 of the Revised Code.

(I) As used in this section:

(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code;

(2) "Limited driving privileges" has the same meaning as in section 4501.01 of the Revised Code;

(3) "Methamphetamine" has the same meaning as in section 1387
2925.01 of the Revised Code. 1388

Sec. 2929.14. (A) Except as provided in division (B) (1), 1389
(B) (2), (B) (3), (B) (4), (B) (5), (B) (6), (B) (7), (B) (8), (B) (9), 1390
(B) (10), (B) (11), (E), (G), (H), (J), or (K) of this section or 1391
in division (D) (6) of section 2919.25 of the Revised Code and 1392
except in relation to an offense for which a sentence of death 1393
or life imprisonment is to be imposed, if the court imposing a 1394
sentence upon an offender for a felony elects or is required to 1395
impose a prison term on the offender pursuant to this chapter, 1396
the court shall impose a prison term that shall be one of the 1397
following: 1398

(1) (a) For a felony of the first degree committed on or 1399
after March 22, 2019, the prison term shall be an indefinite 1400
prison term with a stated minimum term selected by the court of 1401
three, four, five, six, seven, eight, nine, ten, or eleven years 1402
and a maximum term that is determined pursuant to section 1403
2929.144 of the Revised Code, except that if the section that 1404
criminalizes the conduct constituting the felony specifies a 1405
different minimum term or penalty for the offense, the specific 1406
language of that section shall control in determining the 1407
minimum term or otherwise sentencing the offender but the 1408
minimum term or sentence imposed under that specific language 1409
shall be considered for purposes of the Revised Code as if it 1410
had been imposed under this division. 1411

(b) For a felony of the first degree committed prior to 1412
March 22, 2019, the prison term shall be a definite prison term 1413
of three, four, five, six, seven, eight, nine, ten, or eleven 1414
years. 1415

(2) (a) For a felony of the second degree committed on or 1416

after March 22, 2019, the prison term shall be an indefinite 1417
prison term with a stated minimum term selected by the court of 1418
two, three, four, five, six, seven, or eight years and a maximum 1419
term that is determined pursuant to section 2929.144 of the 1420
Revised Code, except that if the section that criminalizes the 1421
conduct constituting the felony specifies a different minimum 1422
term or penalty for the offense, the specific language of that 1423
section shall control in determining the minimum term or 1424
otherwise sentencing the offender but the minimum term or 1425
sentence imposed under that specific language shall be 1426
considered for purposes of the Revised Code as if it had been 1427
imposed under this division. 1428

(b) For a felony of the second degree committed prior to 1429
March 22, 2019, the prison term shall be a definite term of two, 1430
three, four, five, six, seven, or eight years. 1431

(3) (a) For a felony of the third degree that is a 1432
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 1433
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 1434
Code, that is a violation of division (A) of section 4511.19 of 1435
the Revised Code if the offender previously has been convicted 1436
of or pleaded guilty to a violation of division (A) of that 1437
section that was a felony, or that is a violation of section 1438
2911.02 or 2911.12 of the Revised Code if the offender 1439
previously has been convicted of or pleaded guilty in two or 1440
more separate proceedings to two or more violations of section 1441
2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, the 1442
prison term shall be a definite term of twelve, eighteen, 1443
twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty- 1444
four, or sixty months. 1445

(b) For a felony of the third degree that is not an 1446

offense for which division (A) (3) (a) of this section applies, 1447
the prison term shall be a definite term of nine, twelve, 1448
eighteen, twenty-four, thirty, or thirty-six months. 1449

(4) For a felony of the fourth degree, the prison term 1450
shall be a definite term of six, seven, eight, nine, ten, 1451
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1452
or eighteen months. 1453

(5) For a felony of the fifth degree, the prison term 1454
shall be a definite term of six, seven, eight, nine, ten, 1455
eleven, or twelve months. 1456

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1457
section, if an offender who is convicted of or pleads guilty to 1458
a felony also is convicted of or pleads guilty to a 1459
specification of the type described in section 2941.141, 1460
2941.144, or 2941.145 of the Revised Code, the court shall 1461
impose on the offender one of the following prison terms: 1462

(i) A prison term of six years if the specification is of 1463
the type described in division (A) of section 2941.144 of the 1464
Revised Code that charges the offender with having a firearm 1465
that is an automatic firearm or that was equipped with a firearm 1466
muffler or suppressor on or about the offender's person or under 1467
the offender's control while committing the offense; 1468

(ii) A prison term of three years if the specification is 1469
of the type described in division (A) of section 2941.145 of the 1470
Revised Code that charges the offender with having a firearm on 1471
or about the offender's person or under the offender's control 1472
while committing the offense and displaying the firearm, 1473
brandishing the firearm, indicating that the offender possessed 1474
the firearm, or using it to facilitate the offense; 1475

(iii) A prison term of one year if the specification is of 1476
the type described in division (A) of section 2941.141 of the 1477
Revised Code that charges the offender with having a firearm on 1478
or about the offender's person or under the offender's control 1479
while committing the offense; 1480

(iv) A prison term of nine years if the specification is 1481
of the type described in division (D) of section 2941.144 of the 1482
Revised Code that charges the offender with having a firearm 1483
that is an automatic firearm or that was equipped with a firearm 1484
muffler or suppressor on or about the offender's person or under 1485
the offender's control while committing the offense and 1486
specifies that the offender previously has been convicted of or 1487
pleaded guilty to a specification of the type described in 1488
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1489
the Revised Code; 1490

(v) A prison term of fifty-four months if the 1491
specification is of the type described in division (D) of 1492
section 2941.145 of the Revised Code that charges the offender 1493
with having a firearm on or about the offender's person or under 1494
the offender's control while committing the offense and 1495
displaying the firearm, brandishing the firearm, indicating that 1496
the offender possessed the firearm, or using the firearm to 1497
facilitate the offense and that the offender previously has been 1498
convicted of or pleaded guilty to a specification of the type 1499
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1500
2941.1412 of the Revised Code; 1501

(vi) A prison term of eighteen months if the specification 1502
is of the type described in division (D) of section 2941.141 of 1503
the Revised Code that charges the offender with having a firearm 1504
on or about the offender's person or under the offender's 1505

control while committing the offense and that the offender 1506
previously has been convicted of or pleaded guilty to a 1507
specification of the type described in section 2941.141, 1508
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1509

(b) If a court imposes a prison term on an offender under 1510
division (B) (1) (a) of this section, the prison term shall not be 1511
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1512
section 2967.193 or 2967.194, or any other provision of Chapter 1513
2967. or Chapter 5120. of the Revised Code. Except as provided 1514
in division (B) (1) (g) of this section, a court shall not impose 1515
more than one prison term on an offender under division (B) (1) 1516
(a) of this section for felonies committed as part of the same 1517
act or transaction. 1518

(c) (i) Except as provided in division (B) (1) (e) of this 1519
section, if an offender who is convicted of or pleads guilty to 1520
a violation of section 2923.161 of the Revised Code or to a 1521
felony that includes, as an essential element, purposely or 1522
knowingly causing or attempting to cause the death of or 1523
physical harm to another, also is convicted of or pleads guilty 1524
to a specification of the type described in division (A) of 1525
section 2941.146 of the Revised Code that charges the offender 1526
with committing the offense by discharging a firearm from a 1527
motor vehicle other than a manufactured home, the court, after 1528
imposing a prison term on the offender for the violation of 1529
section 2923.161 of the Revised Code or for the other felony 1530
offense under division (A), (B) (2), or (B) (3) of this section, 1531
shall impose an additional prison term of five years upon the 1532
offender that shall not be reduced pursuant to section 2929.20, 1533
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1534
other provision of Chapter 2967. or Chapter 5120. of the Revised 1535
Code. 1536

(ii) Except as provided in division (B)(1)(e) of this section, if an offender who is convicted of or pleads guilty to a violation of section 2923.161 of the Revised Code or to a felony that includes, as an essential element, purposely or knowingly causing or attempting to cause the death of or physical harm to another, also is convicted of or pleads guilty to a specification of the type described in division (C) of section 2941.146 of the Revised Code that charges the offender with committing the offense by discharging a firearm from a motor vehicle other than a manufactured home and that the offender previously has been convicted of or pleaded guilty to a specification of the type described in section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, the court, after imposing a prison term on the offender for the violation of section 2923.161 of the Revised Code or for the other felony offense under division (A), (B)(2), or (3) of this section, shall impose an additional prison term of ninety months upon the offender that shall not be reduced pursuant to section 2929.20, 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.

(iii) A court shall not impose more than one additional prison term on an offender under division (B)(1)(c) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term on an offender under division (B)(1)(c) of this section relative to an offense, the court also shall impose a prison term under division (B)(1)(a) of this section relative to the same offense, provided the criteria specified in that division for imposing an additional prison term are satisfied relative to the offender and the offense.

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender an additional prison term of two years. The prison term so imposed shall not be reduced pursuant to section 2929.20, 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) (1) (d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B) (1) (a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B) (1) (d) of this section.

(e) The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.12 or 2923.123 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) or (b) of this section upon an offender for a violation of section 2923.122 that involves a deadly weapon that is a firearm other than a dangerous ordnance, section 2923.16, or section 2923.121 of the Revised Code. The court shall not impose any of the prison terms described in division (B) (1) (a) of this section or any of the additional prison terms described in division (B) (1) (c) of this section upon an offender for a violation of section 2923.13 of the Revised Code unless all of the following apply:

(i) The offender previously has been convicted of

aggravated murder, murder, or any felony of the first or second 1599
degree. 1600

(ii) Less than five years have passed since the offender 1601
was released from prison or post-release control, whichever is 1602
later, for the prior offense. 1603

(f)(i) If an offender is convicted of or pleads guilty to 1604
a felony that includes, as an essential element, causing or 1605
attempting to cause the death of or physical harm to another and 1606
also is convicted of or pleads guilty to a specification of the 1607
type described in division (A) of section 2941.1412 of the 1608
Revised Code that charges the offender with committing the 1609
offense by discharging a firearm at a peace officer as defined 1610
in section 2935.01 of the Revised Code or a corrections officer, 1611
as defined in section 2941.1412 of the Revised Code, the court, 1612
after imposing a prison term on the offender for the felony 1613
offense under division (A), (B)(2), or (B)(3) of this section, 1614
shall impose an additional prison term of seven years upon the 1615
offender that shall not be reduced pursuant to section 2929.20, 1616
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 1617
other provision of Chapter 2967. or Chapter 5120. of the Revised 1618
Code. 1619

(ii) If an offender is convicted of or pleads guilty to a 1620
felony that includes, as an essential element, causing or 1621
attempting to cause the death of or physical harm to another and 1622
also is convicted of or pleads guilty to a specification of the 1623
type described in division (B) of section 2941.1412 of the 1624
Revised Code that charges the offender with committing the 1625
offense by discharging a firearm at a peace officer, as defined 1626
in section 2935.01 of the Revised Code, or a corrections 1627
officer, as defined in section 2941.1412 of the Revised Code, 1628

and that the offender previously has been convicted of or 1629
pleaded guilty to a specification of the type described in 1630
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1631
the Revised Code, the court, after imposing a prison term on the 1632
offender for the felony offense under division (A), (B) (2), or 1633
(3) of this section, shall impose an additional prison term of 1634
one hundred twenty-six months upon the offender that shall not 1635
be reduced pursuant to section 2929.20, division (A) (2) or (3) 1636
of section 2967.193 or 2967.194, or any other provision of 1637
Chapter 2967. or 5120. of the Revised Code. 1638

(iii) If an offender is convicted of or pleads guilty to 1639
two or more felonies that include, as an essential element, 1640
causing or attempting to cause the death or physical harm to 1641
another and also is convicted of or pleads guilty to a 1642
specification of the type described under division (B) (1) (f) of 1643
this section in connection with two or more of the felonies of 1644
which the offender is convicted or to which the offender pleads 1645
guilty, the sentencing court shall impose on the offender the 1646
prison term specified under division (B) (1) (f) of this section 1647
for each of two of the specifications of which the offender is 1648
convicted or to which the offender pleads guilty and, in its 1649
discretion, also may impose on the offender the prison term 1650
specified under that division for any or all of the remaining 1651
specifications. If a court imposes an additional prison term on 1652
an offender under division (B) (1) (f) of this section relative to 1653
an offense, the court shall not impose a prison term under 1654
division (B) (1) (a) or (c) of this section relative to the same 1655
offense. 1656

(g) If an offender is convicted of or pleads guilty to two 1657
or more felonies, if one or more of those felonies are 1658
aggravated murder, murder, attempted aggravated murder, 1659

attempted murder, aggravated robbery, felonious assault, or 1660
rape, and if the offender is convicted of or pleads guilty to a 1661
specification of the type described under division (B) (1) (a) of 1662
this section in connection with two or more of the felonies, the 1663
sentencing court shall impose on the offender the prison term 1664
specified under division (B) (1) (a) of this section for each of 1665
the two most serious specifications of which the offender is 1666
convicted or to which the offender pleads guilty and, in its 1667
discretion, also may impose on the offender the prison term 1668
specified under that division for any or all of the remaining 1669
specifications. 1670

(2) (a) If division (B) (2) (b) of this section does not 1671
apply, the court may impose on an offender, in addition to the 1672
longest prison term authorized or required for the offense or, 1673
for offenses for which division (A) (1) (a) or (2) (a) of this 1674
section applies, in addition to the longest minimum prison term 1675
authorized or required for the offense, an additional definite 1676
prison term of one, two, three, four, five, six, seven, eight, 1677
nine, or ten years if all of the following criteria are met: 1678

(i) The offender is convicted of or pleads guilty to a 1679
specification of the type described in section 2941.149 of the 1680
Revised Code that the offender is a repeat violent offender. 1681

(ii) The offense of which the offender currently is 1682
convicted or to which the offender currently pleads guilty is 1683
aggravated murder and the court does not impose a sentence of 1684
death or life imprisonment without parole, murder, terrorism and 1685
the court does not impose a sentence of life imprisonment 1686
without parole, any felony of the first degree that is an 1687
offense of violence and the court does not impose a sentence of 1688
life imprisonment without parole, or any felony of the second 1689

degree that is an offense of violence and the trier of fact 1690
finds that the offense involved an attempt to cause or a threat 1691
to cause serious physical harm to a person or resulted in 1692
serious physical harm to a person. 1693

(iii) The court imposes the longest prison term for the 1694
offense or the longest minimum prison term for the offense, 1695
whichever is applicable, that is not life imprisonment without 1696
parole. 1697

(iv) The court finds that the prison terms imposed 1698
pursuant to division (B) (2) (a) (iii) of this section and, if 1699
applicable, division (B) (1) or (3) of this section are 1700
inadequate to punish the offender and protect the public from 1701
future crime, because the applicable factors under section 1702
2929.12 of the Revised Code indicating a greater likelihood of 1703
recidivism outweigh the applicable factors under that section 1704
indicating a lesser likelihood of recidivism. 1705

(v) The court finds that the prison terms imposed pursuant 1706
to division (B) (2) (a) (iii) of this section and, if applicable, 1707
division (B) (1) or (3) of this section are demeaning to the 1708
seriousness of the offense, because one or more of the factors 1709
under section 2929.12 of the Revised Code indicating that the 1710
offender's conduct is more serious than conduct normally 1711
constituting the offense are present, and they outweigh the 1712
applicable factors under that section indicating that the 1713
offender's conduct is less serious than conduct normally 1714
constituting the offense. 1715

(b) The court shall impose on an offender the longest 1716
prison term authorized or required for the offense or, for 1717
offenses for which division (A) (1) (a) or (2) (a) of this section 1718
applies, the longest minimum prison term authorized or required 1719

for the offense, and shall impose on the offender an additional 1720
definite prison term of one, two, three, four, five, six, seven, 1721
eight, nine, or ten years if all of the following criteria are 1722
met: 1723

(i) The offender is convicted of or pleads guilty to a 1724
specification of the type described in section 2941.149 of the 1725
Revised Code that the offender is a repeat violent offender. 1726

(ii) The offender within the preceding twenty years has 1727
been convicted of or pleaded guilty to three or more offenses 1728
described in division (CC)(1) of section 2929.01 of the Revised 1729
Code, including all offenses described in that division of which 1730
the offender is convicted or to which the offender pleads guilty 1731
in the current prosecution and all offenses described in that 1732
division of which the offender previously has been convicted or 1733
to which the offender previously pleaded guilty, whether 1734
prosecuted together or separately. 1735

(iii) The offense or offenses of which the offender 1736
currently is convicted or to which the offender currently pleads 1737
guilty is aggravated murder and the court does not impose a 1738
sentence of death or life imprisonment without parole, murder, 1739
terrorism and the court does not impose a sentence of life 1740
imprisonment without parole, any felony of the first degree that 1741
is an offense of violence and the court does not impose a 1742
sentence of life imprisonment without parole, or any felony of 1743
the second degree that is an offense of violence and the trier 1744
of fact finds that the offense involved an attempt to cause or a 1745
threat to cause serious physical harm to a person or resulted in 1746
serious physical harm to a person. 1747

(c) For purposes of division (B)(2)(b) of this section, 1748
two or more offenses committed at the same time or as part of 1749

the same act or event shall be considered one offense, and that 1750
one offense shall be the offense with the greatest penalty. 1751

(d) A sentence imposed under division (B)(2)(a) or (b) of 1752
this section shall not be reduced pursuant to section 2929.20, 1753
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 1754
other provision of Chapter 2967. or Chapter 5120. of the Revised 1755
Code. The offender shall serve an additional prison term imposed 1756
under division (B)(2)(a) or (b) of this section consecutively to 1757
and prior to the prison term imposed for the underlying offense. 1758

(e) When imposing a sentence pursuant to division (B)(2) 1759
(a) or (b) of this section, the court shall state its findings 1760
explaining the imposed sentence. 1761

(3) Except when an offender commits a violation of section 1762
2903.01 or 2907.02 of the Revised Code and the penalty imposed 1763
for the violation is life imprisonment or commits a violation of 1764
section 2903.02 of the Revised Code, if the offender commits a 1765
violation of section 2925.03 or 2925.11 of the Revised Code and 1766
that section classifies the offender as a major drug offender, 1767
if the offender commits a violation of section 2925.05 of the 1768
Revised Code and division (E)(1) of that section classifies the 1769
offender as a major drug offender, if the offender commits a 1770
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 1771
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 1772
division (C) or (D) of section 3719.172, division (E) of section 1773
4729.51, or division (J) of section 4729.54 of the Revised Code 1774
that includes the sale, offer to sell, or possession of a 1775
schedule I or II controlled substance, with the exception of 1776
marihuana, and the court imposing sentence upon the offender 1777
finds that the offender is guilty of a specification of the type 1778
described in division (A) of section 2941.1410 of the Revised 1779

Code charging that the offender is a major drug offender, if the 1780
court imposing sentence upon an offender for a felony finds that 1781
the offender is guilty of corrupt activity with the most serious 1782
offense in the pattern of corrupt activity being a felony of the 1783
first degree, or if the offender is guilty of an attempted 1784
violation of section 2907.02 of the Revised Code and, had the 1785
offender completed the violation of section 2907.02 of the 1786
Revised Code that was attempted, the offender would have been 1787
subject to a sentence of life imprisonment or life imprisonment 1788
without parole for the violation of section 2907.02 of the 1789
Revised Code, the court shall impose upon the offender for the 1790
felony violation a mandatory prison term determined as described 1791
in this division that cannot be reduced pursuant to section 1792
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 1793
or any other provision of Chapter 2967. or 5120. of the Revised 1794
Code. The mandatory prison term shall be the maximum definite 1795
prison term prescribed in division (A)(1)(b) of this section for 1796
a felony of the first degree, except that for offenses for which 1797
division (A)(1)(a) of this section applies, the mandatory prison 1798
term shall be the longest minimum prison term prescribed in that 1799
division for the offense. 1800

(4) If the offender is being sentenced for a third or 1801
fourth degree felony OVI offense under division (G)(2) of 1802
section 2929.13 of the Revised Code, the sentencing court shall 1803
impose upon the offender a mandatory prison term in accordance 1804
with that division. In addition to the mandatory prison term, if 1805
the offender is being sentenced for a fourth degree felony OVI 1806
offense, the court, notwithstanding division (A)(4) of this 1807
section, may sentence the offender to a definite prison term of 1808
not less than six months and not more than thirty months, and if 1809
the offender is being sentenced for a third degree felony OVI 1810

offense, the sentencing court may sentence the offender to an 1811
additional prison term of any duration specified in division (A) 1812
(3) of this section. In either case, the additional prison term 1813
imposed shall be reduced by the sixty or one hundred twenty days 1814
imposed upon the offender as the mandatory prison term. The 1815
total of the additional prison term imposed under division (B) 1816
(4) of this section plus the sixty or one hundred twenty days 1817
imposed as the mandatory prison term shall equal a definite term 1818
in the range of six months to thirty months for a fourth degree 1819
felony OVI offense and shall equal one of the authorized prison 1820
terms specified in division (A) (3) of this section for a third 1821
degree felony OVI offense. If the court imposes an additional 1822
prison term under division (B) (4) of this section, the offender 1823
shall serve the additional prison term after the offender has 1824
served the mandatory prison term required for the offense. In 1825
addition to the mandatory prison term or mandatory and 1826
additional prison term imposed as described in division (B) (4) 1827
of this section, the court also may sentence the offender to a 1828
community control sanction under section 2929.16 or 2929.17 of 1829
the Revised Code, but the offender shall serve all of the prison 1830
terms so imposed prior to serving the community control 1831
sanction. 1832

If the offender is being sentenced for a fourth degree 1833
felony OVI offense under division (G) (1) of section 2929.13 of 1834
the Revised Code and the court imposes a mandatory term of local 1835
incarceration, the court may impose a prison term as described 1836
in division (A) (1) of that section. 1837

(5) If an offender is convicted of or pleads guilty to a 1838
violation of division (A) (1) or (2) of section 2903.06 of the 1839
Revised Code and also is convicted of or pleads guilty to a 1840
specification of the type described in section 2941.1414 of the 1841

Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, or a firefighter or emergency medical worker, both as defined in section 4123.026 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B)(5) of this section, the prison term shall not be reduced pursuant to section 2929.20, 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)(5) of this section for felonies committed as part of the same act.

(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) 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 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 shall not be reduced pursuant to section 2929.20, 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. 1873

(7) (a) If an offender is convicted of or pleads guilty to 1874
a felony violation of section 2905.01, 2905.02, 2907.21, 1875
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 1876
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 1877
section 2919.22 of the Revised Code and also is convicted of or 1878
pleads guilty to a specification of the type described in 1879
section 2941.1422 of the Revised Code that charges that the 1880
offender knowingly committed the offense in furtherance of human 1881
trafficking, the court shall impose on the offender a mandatory 1882
prison term that is one of the following: 1883

(i) If the offense is a felony of the first degree, a 1884
definite prison term of not less than five years and not greater 1885
than eleven years, except that if the offense is a felony of the 1886
first degree committed on or after March 22, 2019, the court 1887
shall impose as the minimum prison term a mandatory term of not 1888
less than five years and not greater than eleven years; 1889

(ii) If the offense is a felony of the second or third 1890
degree, a definite prison term of not less than three years and 1891
not greater than the maximum prison term allowed for the offense 1892
by division (A) (2) (b) or (3) of this section, except that if the 1893
offense is a felony of the second degree committed on or after 1894
March 22, 2019, the court shall impose as the minimum prison 1895
term a mandatory term of not less than three years and not 1896
greater than eight years; 1897

(iii) If the offense is a felony of the fourth or fifth 1898
degree, a definite prison term that is the maximum prison term 1899
allowed for the offense by division (A) of section 2929.14 of 1900
the Revised Code. 1901

(b) The prison term imposed under division (B) (7) (a) of this section shall not be reduced pursuant to section 2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, or any other provision of Chapter 2967. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (7) (a) of this section for felonies committed as part of the same act, scheme, or plan.

(8) If an offender is convicted of or pleads guilty to a felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1423 of the 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 arch 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 1933
section 2903.11 of the Revised Code and the specification 1934
charges that the offender used an accelerant in committing the 1935
violation and the serious physical harm to another or to 1936
another's unborn caused by the violation resulted in a 1937
permanent, serious disfigurement or permanent, substantial 1938
incapacity; 1939

(ii) The violation is a violation of division (A) (2) of 1940
section 2903.11 of the Revised Code and the specification 1941
charges that the offender used an accelerant in committing the 1942
violation, that the violation caused physical harm to another or 1943
to another's unborn, and that the physical harm resulted in a 1944
permanent, serious disfigurement or permanent, substantial 1945
incapacity. 1946

(b) If a court imposes a prison term on an offender under 1947
division (B) (9) (a) of this section, the prison term shall not be 1948
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1949
section 2967.193 or 2967.194, or any other provision of Chapter 1950
2967. or Chapter 5120. of the Revised Code. A court shall not 1951
impose more than one prison term on an offender under division 1952
(B) (9) of this section for felonies committed as part of the 1953
same act. 1954

(c) The provisions of divisions (B) (9) and (C) (6) of this 1955
section and of division (D) (2) of section 2903.11, division (F) 1956
(20) of section 2929.13, and section 2941.1425 of the Revised 1957
Code shall be known as "Judy's Law." 1958

(10) If an offender is convicted of or pleads guilty to a 1959
violation of division (A) of section 2903.11 of the Revised Code 1960
and also is convicted of or pleads guilty to a specification of 1961
the type described in section 2941.1426 of the Revised Code that 1962

charges that the victim of the offense suffered permanent 1963
disabling harm as a result of the offense and that the victim 1964
was under ten years of age at the time of the offense, 1965
regardless of whether the offender knew the age of the victim, 1966
the court shall impose upon the offender an additional definite 1967
prison term of six years. A prison term imposed on an offender 1968
under division (B) (10) of this section shall not be reduced 1969
pursuant to section 2929.20, division (A) (2) or (3) of section 1970
2967.193 or 2967.194, or any other provision of Chapter 2967. or 1971
Chapter 5120. of the Revised Code. If a court imposes an 1972
additional prison term on an offender under this division 1973
relative to a violation of division (A) of section 2903.11 of 1974
the Revised Code, the court shall not impose any other 1975
additional prison term on the offender relative to the same 1976
offense. 1977

(11) If an offender is convicted of or pleads guilty to a 1978
felony violation of section 2925.03 or 2925.05 of the Revised 1979
Code or a felony violation of section 2925.11 of the Revised 1980
Code for which division (C) (11) of that section applies in 1981
determining the sentence for the violation, if the drug involved 1982
in the violation is a fentanyl-related compound or a compound, 1983
mixture, preparation, or substance containing a fentanyl-related 1984
compound, and if the offender also is convicted of or pleads 1985
guilty to a specification of the type described in division (B) 1986
of section 2941.1410 of the Revised Code that charges that the 1987
offender is a major drug offender, in addition to any other 1988
penalty imposed for the violation, the court shall impose on the 1989
offender a mandatory prison term of three, four, five, six, 1990
seven, or eight years. If a court imposes a prison term on an 1991
offender under division (B) (11) of this section, the prison term 1992
shall not be reduced pursuant to section 2929.20, division (A) 1993

(2) or (3) of section 2967.193 or 2967.194, or any other 1994
provision of Chapter 2967. or 5120. of the Revised Code. A court 1995
shall not impose more than one prison term on an offender under 1996
division (B) (11) of this section for felonies committed as part 1997
of the same act. 1998

(C) (1) (a) Subject to division (C) (1) (b) of this section, 1999
if a mandatory prison term is imposed upon an offender pursuant 2000
to division (B) (1) (a) of this section for having a firearm on or 2001
about the offender's person or under the offender's control 2002
while committing a felony, if a mandatory prison term is imposed 2003
upon an offender pursuant to division (B) (1) (c) of this section 2004
for committing a felony specified in that division by 2005
discharging a firearm from a motor vehicle, or if both types of 2006
mandatory prison terms are imposed, the offender shall serve any 2007
mandatory prison term imposed under either division 2008
consecutively to any other mandatory prison term imposed under 2009
either division or under division (B) (1) (d) of this section, 2010
consecutively to and prior to any prison term imposed for the 2011
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2012
this section or any other section of the Revised Code, and 2013
consecutively to any other prison term or mandatory prison term 2014
previously or subsequently imposed upon the offender. 2015

(b) If a mandatory prison term is imposed upon an offender 2016
pursuant to division (B) (1) (d) of this section for wearing or 2017
carrying body armor while committing an offense of violence that 2018
is a felony, the offender shall serve the mandatory term so 2019
imposed consecutively to any other mandatory prison term imposed 2020
under that division or under division (B) (1) (a) or (c) of this 2021
section, consecutively to and prior to any prison term imposed 2022
for the underlying felony under division (A), (B) (2), or (B) (3) 2023
of this section or any other section of the Revised Code, and 2024

consecutively to any other prison term or mandatory prison term 2025
previously or subsequently imposed upon the offender. 2026

(c) If a mandatory prison term is imposed upon an offender 2027
pursuant to division (B)(1)(f) of this section, the offender 2028
shall serve the mandatory prison term so imposed consecutively 2029
to and prior to any prison term imposed for the underlying 2030
felony under division (A), (B)(2), or (B)(3) of this section or 2031
any other section of the Revised Code, and consecutively to any 2032
other prison term or mandatory prison term previously or 2033
subsequently imposed upon the offender. 2034

(d) If a mandatory prison term is imposed upon an offender 2035
pursuant to division (B)(7) or (8) of this section, the offender 2036
shall serve the mandatory prison term so imposed consecutively 2037
to any other mandatory prison term imposed under that division 2038
or under any other provision of law and consecutively to any 2039
other prison term or mandatory prison term previously or 2040
subsequently imposed upon the offender. 2041

(e) If a mandatory prison term is imposed upon an offender 2042
pursuant to division (B)(11) of this section, the offender shall 2043
serve the mandatory prison term consecutively to any other 2044
mandatory prison term imposed under that division, consecutively 2045
to and prior to any prison term imposed for the underlying 2046
felony, and consecutively to any other prison term or mandatory 2047
prison term previously or subsequently imposed upon the 2048
offender. 2049

(2) If an offender who is an inmate in a jail, prison, or 2050
other residential detention facility violates section 2917.02, 2051
2917.03, or 2921.35 of the Revised Code or division (A)(1) or 2052
(2) of section 2921.34 of the Revised Code, if an offender who 2053
is under detention at a detention facility commits a felony 2054

violation of section 2923.131 of the Revised Code, or if an 2055
offender who is an inmate in a jail, prison, or other 2056
residential detention facility or is under detention at a 2057
detention facility commits another felony while the offender is 2058
an escapee in violation of division (A) (1) or (2) of section 2059
2921.34 of the Revised Code, any prison term imposed upon the 2060
offender for one of those violations shall be served by the 2061
offender consecutively to the prison term or term of 2062
imprisonment the offender was serving when the offender 2063
committed that offense and to any other prison term previously 2064
or subsequently imposed upon the offender. 2065

(3) If a prison term is imposed for a violation of 2066
division (B) of section 2911.01 of the Revised Code, a violation 2067
of division (A) of section 2913.02 of the Revised Code in which 2068
the stolen property is a firearm or dangerous ordnance, or a 2069
felony violation of division (B) of section 2921.331 of the 2070
Revised Code, the offender shall serve that prison term 2071
consecutively to any other prison term or mandatory prison term 2072
previously or subsequently imposed upon the offender. 2073

(4) If multiple prison terms are imposed on an offender 2074
for convictions of multiple offenses, the court may require the 2075
offender to serve the prison terms consecutively if the court 2076
finds that the consecutive service is necessary to protect the 2077
public from future crime or to punish the offender and that 2078
consecutive sentences are not disproportionate to the 2079
seriousness of the offender's conduct and to the danger the 2080
offender poses to the public, and if the court also finds any of 2081
the following: 2082

(a) The offender committed one or more of the multiple 2083
offenses while the offender was awaiting trial or sentencing, 2084

was under a sanction imposed pursuant to section 2929.16, 2085
2929.17, or 2929.18 of the Revised Code, or was under post- 2086
release control for a prior offense. 2087

(b) At least two of the multiple offenses were committed 2088
as part of one or more courses of conduct, and the harm caused 2089
by two or more of the multiple offenses so committed was so 2090
great or unusual that no single prison term for any of the 2091
offenses committed as part of any of the courses of conduct 2092
adequately reflects the seriousness of the offender's conduct. 2093

(c) The offender's history of criminal conduct 2094
demonstrates that consecutive sentences are necessary to protect 2095
the public from future crime by the offender. 2096

(5) If a mandatory prison term is imposed upon an offender 2097
pursuant to division (B) (5) or (6) of this section, the offender 2098
shall serve the mandatory prison term consecutively to and prior 2099
to any prison term imposed for the underlying violation of 2100
division (A) (1) or (2) of section 2903.06 of the Revised Code 2101
pursuant to division (A) of this section or section 2929.142 of 2102
the Revised Code. If a mandatory prison term is imposed upon an 2103
offender pursuant to division (B) (5) of this section, and if a 2104
mandatory prison term also is imposed upon the offender pursuant 2105
to division (B) (6) of this section in relation to the same 2106
violation, the offender shall serve the mandatory prison term 2107
imposed pursuant to division (B) (5) of this section 2108
consecutively to and prior to the mandatory prison term imposed 2109
pursuant to division (B) (6) of this section and consecutively to 2110
and prior to any prison term imposed for the underlying 2111
violation of division (A) (1) or (2) of section 2903.06 of the 2112
Revised Code pursuant to division (A) of this section or section 2113
2929.142 of the Revised Code. 2114

(6) If a mandatory prison term is imposed on an offender 2115
pursuant to division (B)(9) of this section, the offender shall 2116
serve the mandatory prison term consecutively to and prior to 2117
any prison term imposed for the underlying violation of division 2118
(A)(1) or (2) of section 2903.11 of the Revised Code and 2119
consecutively to and prior to any other prison term or mandatory 2120
prison term previously or subsequently imposed on the offender. 2121

(7) If a mandatory prison term is imposed on an offender 2122
pursuant to division (B)(10) of this section, the offender shall 2123
serve that mandatory prison term consecutively to and prior to 2124
any prison term imposed for the underlying felonious assault. 2125
Except as otherwise provided in division (C) of this section, 2126
any other prison term or mandatory prison term previously or 2127
subsequently imposed upon the offender may be served 2128
concurrently with, or consecutively to, the prison term imposed 2129
pursuant to division (B)(10) of this section. 2130

(8) Any prison term imposed for a violation of section 2131
2903.04 of the Revised Code that is based on a violation of 2132
section 2925.03 or 2925.11 of the Revised Code or on a violation 2133
of section 2925.05 of the Revised Code that is not funding of 2134
marihuana trafficking shall run consecutively to any prison term 2135
imposed for the violation of section 2925.03 or 2925.11 of the 2136
Revised Code or for the violation of section 2925.05 of the 2137
Revised Code that is not funding of marihuana trafficking. 2138

(9) When consecutive prison terms are imposed pursuant to 2139
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2140
division (H)(1) or (2) of this section, subject to division (C) 2141
(10) of this section, the term to be served is the aggregate of 2142
all of the terms so imposed. 2143

(10) When a court sentences an offender to a non-life 2144

felony indefinite prison term, any definite prison term or 2145
mandatory definite prison term previously or subsequently 2146
imposed on the offender in addition to that indefinite sentence 2147
that is required to be served consecutively to that indefinite 2148
sentence shall be served prior to the indefinite sentence. 2149

(11) If a court is sentencing an offender for a felony of 2150
the first or second degree, if division (A) (1) (a) or (2) (a) of 2151
this section applies with respect to the sentencing for the 2152
offense, and if the court is required under the Revised Code 2153
section that sets forth the offense or any other Revised Code 2154
provision to impose a mandatory prison term for the offense, the 2155
court shall impose the required mandatory prison term as the 2156
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2157
section, whichever is applicable. 2158

(D) (1) If a court imposes a prison term, other than a term 2159
of life imprisonment, for a felony of the first degree, for a 2160
felony of the second degree, for a felony sex offense, or for a 2161
felony of the third degree that is an offense of violence and 2162
that is not a felony sex offense, it shall include in the 2163
sentence a requirement that the offender be subject to a period 2164
of post-release control after the offender's release from 2165
imprisonment, in accordance with section 2967.28 of the Revised 2166
Code. If a court imposes a sentence including a prison term of a 2167
type described in this division on or after July 11, 2006, the 2168
failure of a court to include a post-release control requirement 2169
in the sentence pursuant to this division does not negate, 2170
limit, or otherwise affect the mandatory period of post-release 2171
control that is required for the offender under division (B) of 2172
section 2967.28 of the Revised Code. Section 2929.191 of the 2173
Revised Code applies if, prior to July 11, 2006, a court imposed 2174
a sentence including a prison term of a type described in this 2175

division and failed to include in the sentence pursuant to this 2176
division a statement regarding post-release control. 2177

(2) If a court imposes a prison term for a felony of the 2178
third, fourth, or fifth degree that is not subject to division 2179
(D) (1) of this section, it shall include in the sentence a 2180
requirement that the offender be subject to a period of post- 2181
release control after the offender's release from imprisonment, 2182
in accordance with that division, if the parole board determines 2183
that a period of post-release control is necessary. Section 2184
2929.191 of the Revised Code applies if, prior to July 11, 2006, 2185
a court imposed a sentence including a prison term of a type 2186
described in this division and failed to include in the sentence 2187
pursuant to this division a statement regarding post-release 2188
control. 2189

(E) The court shall impose sentence upon the offender in 2190
accordance with section 2971.03 of the Revised Code, and Chapter 2191
2971. of the Revised Code applies regarding the prison term or 2192
term of life imprisonment without parole imposed upon the 2193
offender and the service of that term of imprisonment if any of 2194
the following apply: 2195

(1) A person is convicted of or pleads guilty to a violent 2196
sex offense or a designated homicide, assault, or kidnapping 2197
offense, and, in relation to that offense, the offender is 2198
adjudicated a sexually violent predator. 2199

(2) A person is convicted of or pleads guilty to a 2200
violation of division (A) (1) (b) of section 2907.02 of the 2201
Revised Code committed on or after January 2, 2007, and either 2202
the court does not impose a sentence of life without parole when 2203
authorized pursuant to division (B) of section 2907.02 of the 2204
Revised Code, or division (B) of section 2907.02 of the Revised 2205

Code provides that the court shall not sentence the offender 2206
pursuant to section 2971.03 of the Revised Code. 2207

(3) A person is convicted of or pleads guilty to attempted 2208
rape committed on or after January 2, 2007, and a specification 2209
of the type described in section 2941.1418, 2941.1419, or 2210
2941.1420 of the Revised Code. 2211

(4) A person is convicted of or pleads guilty to a 2212
violation of section 2905.01 of the Revised Code committed on or 2213
after January 1, 2008, and that section requires the court to 2214
sentence the offender pursuant to section 2971.03 of the Revised 2215
Code. 2216

(5) A person is convicted of or pleads guilty to 2217
aggravated murder committed on or after January 1, 2008, and 2218
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2219
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2220
(a) (iv) of section 2929.03, or division (A) or (B) of section 2221
2929.06 of the Revised Code requires the court to sentence the 2222
offender pursuant to division (B) (3) of section 2971.03 of the 2223
Revised Code. 2224

(6) A person is convicted of or pleads guilty to murder 2225
committed on or after January 1, 2008, and division (B) (2) of 2226
section 2929.02 of the Revised Code requires the court to 2227
sentence the offender pursuant to section 2971.03 of the Revised 2228
Code. 2229

(F) If a person who has been convicted of or pleaded 2230
guilty to a felony is sentenced to a prison term or term of 2231
imprisonment under this section, sections 2929.02 to 2929.06 of 2232
the Revised Code, section 2929.142 of the Revised Code, section 2233
2971.03 of the Revised Code, or any other provision of law, 2234

section 5120.163 of the Revised Code applies regarding the 2235
person while the person is confined in a state correctional 2236
institution. 2237

(G) If an offender who is convicted of or pleads guilty to 2238
a felony that is an offense of violence also is convicted of or 2239
pleads guilty to a specification of the type described in 2240
section 2941.142 of the Revised Code that charges the offender 2241
with having committed the felony while participating in a 2242
criminal gang, the court shall impose upon the offender an 2243
additional prison term of one, two, or three years. 2244

(H) (1) If an offender who is convicted of or pleads guilty 2245
to aggravated murder, murder, or a felony of the first, second, 2246
or third degree that is an offense of violence also is convicted 2247
of or pleads guilty to a specification of the type described in 2248
section 2941.143 of the Revised Code that charges the offender 2249
with having committed the offense in a school safety zone or 2250
towards a person in a school safety zone, the court shall impose 2251
upon the offender an additional prison term of two years. The 2252
offender shall serve the additional two years consecutively to 2253
and prior to the prison term imposed for the underlying offense. 2254

(2) (a) If an offender is convicted of or pleads guilty to 2255
a felony violation of section 2907.22, 2907.24, 2907.241, or 2256
2907.25 of the Revised Code and to a specification of the type 2257
described in section 2941.1421 of the Revised Code and if the 2258
court imposes a prison term on the offender for the felony 2259
violation, the court may impose upon the offender an additional 2260
prison term as follows: 2261

(i) Subject to division (H) (2) (a) (ii) of this section, an 2262
additional prison term of one, two, three, four, five, or six 2263
months; 2264

(ii) If the offender previously has been convicted of or
pleaded guilty to one or more felony or misdemeanor violations
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of
the Revised Code and also was convicted of or pleaded guilty to
a specification of the type described in section 2941.1421 of
the Revised Code regarding one or more of those violations, an
additional prison term of one, two, three, four, five, six,
seven, eight, nine, ten, eleven, or twelve months.

(b) In lieu of imposing an additional prison term under
division (H) (2) (a) of this section, the court may directly
impose on the offender a sanction that requires the offender to
wear a real-time processing, continual tracking electronic
monitoring device during the period of time specified by the
court. The period of time specified by the court shall equal the
duration of an additional prison term that the court could have
imposed upon the offender under division (H) (2) (a) of this
section. A sanction imposed under this division shall commence
on the date specified by the court, provided that the sanction
shall not commence until after the offender has served the
prison term imposed for the felony violation of section 2907.22,
2907.24, 2907.241, or 2907.25 of the Revised Code and any
residential sanction imposed for the violation under section
2929.16 of the Revised Code. A sanction imposed under this
division shall be considered to be a community control sanction
for purposes of section 2929.15 of the Revised Code, and all
provisions of the Revised Code that pertain to community control
sanctions shall apply to a sanction imposed under this division,
except to the extent that they would by their nature be clearly
inapplicable. The offender shall pay all costs associated with a
sanction imposed under this division, including the cost of the
use of the monitoring device.

(I) At the time of sentencing, the court may recommend the offender for placement in a program of shock incarceration under section 5120.031 of the Revised Code or for placement in an intensive program prison under section 5120.032 of the Revised Code, disapprove placement of the offender in a program of shock incarceration or an intensive program prison of that nature, or make no recommendation on placement of the offender. In no case shall the department of rehabilitation and correction place the offender in a program or prison of that nature unless the department determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for the placement.

If the court disapproves placement of the offender in a program or prison of that nature, the department of rehabilitation and correction shall not place the offender in any program of shock incarceration or intensive program prison.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison, and if the offender is subsequently placed in the recommended program or prison, the department shall notify the court of the placement and shall include with the notice a brief description of the placement.

If the court recommends placement of the offender in a program of shock incarceration or in an intensive program prison and the department does not subsequently place the offender in the recommended program or prison, the department shall send a notice to the court indicating why the offender was not placed in the recommended program or prison.

If the court does not make a recommendation under this division with respect to an offender and if the department

determines as specified in section 5120.031 or 5120.032 of the Revised Code, whichever is applicable, that the offender is eligible for placement in a program or prison of that nature, the department shall screen the offender and determine if there is an available program of shock incarceration or an intensive program prison for which the offender is suited. If there is an available program of shock incarceration or an intensive program prison for which the offender is suited, the department shall notify the court of the proposed placement of the offender as specified in section 5120.031 or 5120.032 of the Revised Code and shall include with the notice a brief description of the placement. The court shall have ten days from receipt of the notice to disapprove the placement.

(J) If a person is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division ~~(B) (2) (e)~~ (B) (2) (d), (e), or (f) of that section applies, the person shall be sentenced pursuant to section 2929.142 of the Revised Code.

(K) (1) The court shall impose an additional mandatory prison term of two, three, four, five, six, seven, eight, nine, ten, or eleven years on an offender who is convicted of or pleads guilty to a violent felony offense if the offender also is convicted of or pleads guilty to a specification of the type described in section 2941.1424 of the Revised Code that charges that the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control while committing the presently charged violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense. The offender shall serve the prison term imposed under this division consecutively to and prior to the

prison term imposed for the underlying offense. The prison term 2357
shall not be reduced pursuant to section 2929.20, division (A) 2358
(2) or (3) of section 2967.193 or 2967.194, or any other 2359
provision of Chapter 2967. or 5120. of the Revised Code. A court 2360
may not impose more than one sentence under division (B) (2) (a) 2361
of this section and this division for acts committed as part of 2362
the same act or transaction. 2363

(2) As used in division (K) (1) of this section, "violent 2364
career criminal" and "violent felony offense" have the same 2365
meanings as in section 2923.132 of the Revised Code. 2366

(L) If an offender receives or received a sentence of life 2367
imprisonment without parole, a sentence of life imprisonment, a 2368
definite sentence, or a sentence to an indefinite prison term 2369
under this chapter for a felony offense that was committed when 2370
the offender was under eighteen years of age, the offender's 2371
parole eligibility shall be determined under section 2967.132 of 2372
the Revised Code. 2373

Sec. 2929.142. ~~(A)~~ Notwithstanding the definite prison 2374
terms and minimum prison terms specified in divisions (A) (1) (a) 2375
and (b) of section 2929.14 of the Revised Code for a felony of 2376
the first degree, if all of the following apply: 2377

(A) If an offender is convicted of or pleads guilty to 2378
aggravated vehicular homicide in violation of division (A) (1) of 2379
section 2903.06 of the Revised Code and division (B) (2) (d) of 2380
that section applies, the court shall impose upon the offender 2381
as the minimum prison term for the offense under division (A) (1) 2382
(a) of section 2929.14 of the Revised Code a mandatory prison 2383
term of five, six, seven, eight, nine, ten, eleven, twelve, 2384
thirteen, fourteen, or fifteen years, ~~determined as specified in 2385
division (B) of this section, if any of the following apply:~~ 2386

~~(1) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
of section 4511.19 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous ten years.~~ 2387
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~~(2) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
of section 1547.11 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous ten years.~~ 2391
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~~(3) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(3) of section 4561.15 of the Revised Code or of a substantially
equivalent municipal ordinance within the previous ten years.~~ 2395
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~~(4) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(1) of section 2903.06 of the Revised Code.~~ 2399
2400
2401

~~(5) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of division (A)
(1) of section 2903.08 of the Revised Code.~~ 2402
2403
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~~(6) The offender previously has been convicted of or
pleaded guilty to three or more prior violations of section
2903.04 of the Revised Code in circumstances in which division
(D) of that section applied regarding the violations.~~ 2405
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~~(7) The offender previously has been convicted of or
pleaded guilty to three or more violations of any combination of
the offenses listed in division (A) (1), (2), (3), (4), (5), or
(6) of this section.~~ 2409
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~~(8) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.~~ 2413
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(B) ~~The mandatory prison term required under division (A) of this section shall be a definite term of ten, eleven, twelve, thirteen, fourteen, or fifteen years, except that if the aggravated vehicular homicide is committed on or after March 22, 2019, the court shall impose as the minimum prison term for the offense under division (A) (1) (a) of section 2929.14 of the Revised Code a mandatory prison term that is ten, eleven, twelve, thirteen, fourteen, or fifteen years.~~ If an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (e) of that section applies, the court shall impose upon the offender as the minimum prison term for the offense under division (A) (1) (a) of section 2929.14 of the Revised Code a mandatory prison term that is ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years.

(C) If an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A) (1) of section 2903.06 of the Revised Code and division (B) (2) (f) of that section applies, the court shall impose upon the offender as the minimum prison term for the offense under division (A) (1) (a) of section 2929.14 of the Revised Code a mandatory prison term that is fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years.

Sec. 3327.10. (A) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van, owned and operated by any school district or educational service center or privately owned and operated under contract with any school district or service center in this state, who has not received a certificate from either the educational service center governing board that has entered into

an agreement with the school district under section 3313.843 or 2447
3313.845 of the Revised Code or the superintendent of the school 2448
district, certifying that such person is at least eighteen years 2449
of age and is qualified physically and otherwise for such 2450
position. The service center governing board or the 2451
superintendent, as the case may be, shall provide for an annual 2452
physical examination that conforms with rules adopted by the 2453
state board of education of each driver to ascertain the 2454
driver's physical fitness for such employment. The examination 2455
shall be performed by one of the following: 2456

(1) A person licensed under Chapter 4731. or 4734. of the 2457
Revised Code or by another state to practice medicine and 2458
surgery, osteopathic medicine and surgery, or chiropractic; 2459

(2) A physician assistant; 2460

(3) A certified nurse practitioner; 2461

(4) A clinical nurse specialist; 2462

(5) A certified nurse-midwife; 2463

(6) A medical examiner who is listed on the national 2464
registry of certified medical examiners established by the 2465
federal motor carrier safety administration in accordance with 2466
49 C.F.R. part 390. 2467

Any certificate may be revoked by the authority granting 2468
the same on proof that the holder has been guilty of failing to 2469
comply with division (D) (1) of this section, or upon a 2470
conviction or a guilty plea for a violation, or any other 2471
action, that results in a loss or suspension of driving rights. 2472
Failure to comply with such division may be cause for 2473
disciplinary action or termination of employment under division 2474
(C) of section 3319.081, or section 124.34 of the Revised Code. 2475

(B) Except as provided in division (L) of this section, no person shall be employed as driver of a school bus or motor van not subject to the rules of the department of education pursuant to division (A) of this section who has not received a certificate from the school administrator or contractor certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. Each driver shall have an annual physical examination which conforms to the state highway patrol rules, ascertaining the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any written documentation of the physical examination shall be completed by the individual who performed the examination.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(2) of this section.

(C) Any person who drives a school bus or motor van must 2504
give satisfactory and sufficient bond except a driver who is an 2505
employee of a school district and who drives a bus or motor van 2506
owned by the school district. 2507

(D) No person employed as driver of a school bus or motor 2508
van under this section who is convicted of a traffic violation 2509
or who has had the person's commercial driver's license 2510
suspended shall drive a school bus or motor van until the person 2511
has filed a written notice of the conviction or suspension, as 2512
follows: 2513

(1) If the person is employed under division (A) of this 2514
section, the person shall file the notice with the 2515
superintendent, or a person designated by the superintendent, of 2516
the school district for which the person drives a school bus or 2517
motor van as an employee or drives a privately owned and 2518
operated school bus or motor van under contract. 2519

(2) If employed under division (B) of this section, the 2520
person shall file the notice with the employing school 2521
administrator or contractor, or a person designated by the 2522
administrator or contractor. 2523

(E) In addition to resulting in possible revocation of a 2524
certificate as authorized by divisions (A) and (B) of this 2525
section, violation of division (D) of this section is a minor 2526
misdemeanor. 2527

(F) (1) Not later than thirty days after June 30, 2007, 2528
each owner of a school bus or motor van shall obtain the 2529
complete driving record for each person who is currently 2530
employed or otherwise authorized to drive the school bus or 2531
motor van. An owner of a school bus or motor van shall not 2532

permit a person to operate the school bus or motor van for the 2533
first time before the owner has obtained the person's complete 2534
driving record. Thereafter, the owner of a school bus or motor 2535
van shall obtain the person's driving record not less frequently 2536
than semiannually if the person remains employed or otherwise 2537
authorized to drive the school bus or motor van. An owner of a 2538
school bus or motor van shall not permit a person to resume 2539
operating a school bus or motor van, after an interruption of 2540
one year or longer, before the owner has obtained the person's 2541
complete driving record. 2542

(2) The owner of a school bus or motor van shall not 2543
permit a person to operate the school bus or motor van for ~~ten-~~ 2544
twenty years after the date on which the person pleads guilty to 2545
or is convicted of a violation of section 4511.19 of the Revised 2546
Code or a substantially equivalent municipal ordinance. 2547

(3) An owner of a school bus or motor van shall not permit 2548
any person to operate such a vehicle unless the person meets all 2549
other requirements contained in rules adopted by the state board 2550
of education prescribing qualifications of drivers of school 2551
buses and other student transportation. 2552

(G) No superintendent of a school district, educational 2553
service center, community school, or public or private employer 2554
shall permit the operation of a vehicle used for pupil 2555
transportation within this state by an individual unless both of 2556
the following apply: 2557

(1) Information pertaining to that driver has been 2558
submitted to the department of education, pursuant to procedures 2559
adopted by that department. Information to be reported shall 2560
include the name of the employer or school district, name of the 2561
driver, driver license number, date of birth, date of hire, 2562

status of physical evaluation, and status of training. 2563

(2) The most recent criminal records check required by 2564
division (J) of this section has been completed and received by 2565
the superintendent or public or private employer. 2566

(H) A person, school district, educational service center, 2567
community school, nonpublic school, or other public or nonpublic 2568
entity that owns a school bus or motor van, or that contracts 2569
with another entity to operate a school bus or motor van, may 2570
impose more stringent restrictions on drivers than those 2571
prescribed in this section, in any other section of the Revised 2572
Code, and in rules adopted by the state board. 2573

~~(I)~~(I) (1) For qualified drivers who, on July 1, 2007, are 2574
employed by the owner of a school bus or motor van to drive the 2575
school bus or motor van, any instance in which the driver was 2576
convicted of or pleaded guilty to a violation of section 4511.19 2577
of the Revised Code or a substantially equivalent municipal 2578
ordinance prior to two years prior to July 1, 2007, shall not be 2579
considered a disqualifying event with respect to division (F) of 2580
this section. 2581

(2) For a qualified driver who, on the effective date of 2582
this amendment, is employed by the owner of a school bus or 2583
motor van to drive the school bus or motor van, any instance in 2584
which the driver was previously convicted of or pleaded guilty 2585
to a violation of section 4511.19 of the Revised Code or a 2586
substantially equivalent municipal ordinance more than ten years 2587
but less than twenty years before the effective date of this 2588
amendment, that offense is not a disqualifying event under 2589
division (F) of this section. 2590

(J) (1) This division applies to persons hired by a school 2591

district, educational service center, community school, 2592
chartered nonpublic school, or science, technology, engineering, 2593
and mathematics school established under Chapter 3326. of the 2594
Revised Code to operate a vehicle used for pupil transportation. 2595

For each person to whom this division applies who is hired 2596
on or after November 14, 2007, the employer shall request a 2597
criminal records check in accordance with section 3319.39 of the 2598
Revised Code and every six years thereafter. For each person to 2599
whom this division applies who is hired prior to that date, the 2600
employer shall request a criminal records check by a date 2601
prescribed by the department of education and every six years 2602
thereafter. 2603

(2) This division applies to persons hired by a public or 2604
private employer not described in division (J)(1) of this 2605
section to operate a vehicle used for pupil transportation. 2606

For each person to whom this division applies who is hired 2607
on or after November 14, 2007, the employer shall request a 2608
criminal records check prior to the person's hiring and every 2609
six years thereafter. For each person to whom this division 2610
applies who is hired prior to that date, the employer shall 2611
request a criminal records check by a date prescribed by the 2612
department and every six years thereafter. 2613

(3) Each request for a criminal records check under 2614
division (J) of this section shall be made to the superintendent 2615
of the bureau of criminal identification and investigation in 2616
the manner prescribed in section 3319.39 of the Revised Code, 2617
except that if both of the following conditions apply to the 2618
person subject to the records check, the employer shall request 2619
the superintendent only to obtain any criminal records that the 2620
federal bureau of investigation has on the person: 2621

(a) The employer previously requested the superintendent 2622
to determine whether the bureau of criminal identification and 2623
investigation has any information, gathered pursuant to division 2624
(A) of section 109.57 of the Revised Code, on the person in 2625
conjunction with a criminal records check requested under 2626
section 3319.39 of the Revised Code or under division (J) of 2627
this section. 2628

(b) The person presents proof that the person has been a 2629
resident of this state for the five-year period immediately 2630
prior to the date upon which the person becomes subject to a 2631
criminal records check under this section. 2632

Upon receipt of a request, the superintendent shall 2633
conduct the criminal records check in accordance with section 2634
109.572 of the Revised Code as if the request had been made 2635
under section 3319.39 of the Revised Code. However, as specified 2636
in division (B) (2) of section 109.572 of the Revised Code, if 2637
the employer requests the superintendent only to obtain any 2638
criminal records that the federal bureau of investigation has on 2639
the person for whom the request is made, the superintendent 2640
shall not conduct the review prescribed by division (B) (1) of 2641
that section. 2642

(K) (1) Until the effective date of the amendments to rule 2643
3301-83-23 of the Ohio Administrative Code required by the 2644
second paragraph of division (E) of section 3319.39 of the 2645
Revised Code, any person who is the subject of a criminal 2646
records check under division (J) of this section and has been 2647
convicted of or pleaded guilty to any offense described in 2648
division (B) (1) of section 3319.39 of the Revised Code shall not 2649
be hired or shall be released from employment, as applicable, 2650
unless the person meets the rehabilitation standards prescribed 2651

for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code. 2652
2653

(2) Beginning on the effective date of the amendments to 2654
rule 3301-83-23 of the Ohio Administrative Code required by the 2655
second paragraph of division (E) of section 3319.39 of the 2656
Revised Code, any person who is the subject of a criminal 2657
records check under division (J) of this section and has been 2658
convicted of or pleaded guilty to any offense that, under the 2659
rule, disqualifies a person for employment to operate a vehicle 2660
used for pupil transportation shall not be hired or shall be 2661
released from employment, as applicable, unless the person meets 2662
the rehabilitation standards prescribed by the rule. 2663

(L) The superintendent of a school district or an 2664
educational service center governing board shall issue a 2665
certificate as a driver of a school bus or motor van or a 2666
certificate to operate a vehicle used for pupil transportation 2667
in accordance with Chapter 4796. of the Revised Code to an 2668
applicant if either of the following applies: 2669

(1) The applicant holds a certificate in another state. 2670

(2) The applicant has satisfactory work experience, a 2671
government certification, or a private certification as 2672
described in that chapter as a school bus or motor van driver or 2673
a pupil transportation vehicle operator in a state that does not 2674
issue one or both of those certificates. 2675

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 2676
section apply to a judge or mayor regarding the suspension of, 2677
or the grant of limited driving privileges during a suspension 2678
of, an offender's driver's or commercial driver's license or 2679
permit or nonresident operating privilege imposed under division 2680

(G) or (H) of section 4511.19 of the Revised Code, under 2681
division (B) or (C) of section 4511.191 of the Revised Code, or 2682
under section 4510.07 of the Revised Code for a conviction of a 2683
violation of a municipal OVI ordinance. 2684

(2) No judge or mayor shall suspend the following portions 2685
of the suspension of an offender's driver's or commercial 2686
driver's license or permit or nonresident operating privilege 2687
imposed under division (G) or (H) of section 4511.19 of the 2688
Revised Code or under section 4510.07 of the Revised Code for a 2689
conviction of a violation of a municipal OVI ordinance, provided 2690
that division (A) (2) of this section does not limit a court or 2691
mayor in crediting any period of suspension imposed pursuant to 2692
division (B) or (C) of section 4511.191 of the Revised Code 2693
against any time of judicial suspension imposed pursuant to 2694
section 4511.19 or 4510.07 of the Revised Code, as described in 2695
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 2696
Code: 2697

(a) The first six months of a suspension imposed under 2698
division (G) (1) (a) of section 4511.19 of the Revised Code or of 2699
a comparable length suspension imposed under section 4510.07 of 2700
the Revised Code; 2701

(b) The first year of a suspension imposed under division 2702
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 2703
comparable length suspension imposed under section 4510.07 of 2704
the Revised Code; 2705

(c) The first three years of a suspension imposed under 2706
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 2707
or of a comparable length suspension imposed under section 2708
4510.07 of the Revised Code; 2709

(d) The first sixty days of a suspension imposed under 2710
division (H) of section 4511.19 of the Revised Code or of a 2711
comparable length suspension imposed under section 4510.07 of 2712
the Revised Code. 2713

(3) ~~No~~ Except as provided under division (A) (5) of this 2714
section, no judge or mayor shall grant limited driving 2715
privileges to an offender whose driver's or commercial driver's 2716
license or permit or nonresident operating privilege has been 2717
suspended under division (G) or (H) of section 4511.19 of the 2718
Revised Code, under division (C) of section 4511.191 of the 2719
Revised Code, or under section 4510.07 of the Revised Code for a 2720
municipal OVI conviction if the offender, within the preceding 2721
~~ten~~ twenty years, has been convicted of or pleaded guilty to 2722
three or more violations of ~~one or more of the Revised Code~~ 2723
~~sections, municipal ordinances, statutes of the United States or~~ 2724
~~another state, or municipal ordinances of a municipal~~ 2725
~~corporation of another state that are identified in divisions~~ 2726
~~(G) (2) (b) to (h) of an equivalent offense, as defined in section~~ 2727
~~2919.22~~ 4511.181 of the Revised Code. 2728

Additionally, except as provided under division (A) (6) of 2729
this section, no judge or mayor shall grant limited driving 2730
privileges to an offender whose driver's or commercial driver's 2731
license or permit or nonresident operating privilege has been 2732
suspended under division (B) of section 4511.191 of the Revised 2733
Code if the offender, within the preceding ~~ten~~ twenty years, has 2734
refused three previous requests to consent to a chemical test of 2735
the person's whole blood, blood serum or plasma, breath, or 2736
urine to determine its alcohol content. 2737

(4) No judge or mayor shall grant limited driving 2738
privileges for employment as a driver of commercial motor 2739

vehicles to an offender whose driver's or commercial driver's 2740
license or permit or nonresident operating privilege has been 2741
suspended under division (G) or (H) of section 4511.19 of the 2742
Revised Code, under division (B) or (C) of section 4511.191 of 2743
the Revised Code, or under section 4510.07 of the Revised Code 2744
for a municipal OVI conviction if the offender is disqualified 2745
from operating a commercial motor vehicle, or whose license or 2746
permit has been suspended, under section 3123.58 or 4506.16 of 2747
the Revised Code. 2748

(5) No judge or mayor shall grant limited driving 2749
privileges to an offender whose driver's or commercial driver's 2750
license or permit or nonresident operating privilege has been 2751
suspended under division (G) or (H) of section 4511.19 of the 2752
Revised Code, under division (C) of section 4511.191 of the 2753
Revised Code, or under section 4510.07 of the Revised Code for a 2754
conviction of a violation of a municipal OVI ordinance during 2755
any of the following periods of time: 2756

(a) The first ~~fifteen~~thirty days of a suspension imposed 2757
under division (G)(1)(a) of section 4511.19 of the Revised Code 2758
or a comparable length suspension imposed under section 4510.07 2759
of the Revised Code, or of a suspension imposed under division 2760
(C)(1)(a) of section 4511.191 of the Revised Code. On or after 2761
the ~~sixteenth~~thirty-first day of the suspension, the court may 2762
grant limited driving privileges, but the court may require that 2763
the offender shall not exercise the privileges unless the 2764
vehicles the offender operates are equipped with immobilizing or 2765
disabling devices that monitor the offender's alcohol 2766
consumption or any other type of immobilizing or disabling 2767
devices, except as provided in division (C) of section 4510.43 2768
of the Revised Code. 2769

(b) The first forty-five days of a suspension imposed 2770
under division (C) (1) (b) of section 4511.191 of the Revised 2771
Code. On or after the forty-sixth day of suspension, the court 2772
may grant limited driving privileges, ~~but~~ and either of the 2773
following applies: 2774

(i) If the underlying arrest is alcohol-related, the court 2775
may require that shall issue an order that, except as provided 2776
in division (C) of section 4510.43 of the Revised Code, for the 2777
remainder of the period of suspension the offender shall not 2778
exercise the privileges unless the vehicles the offender 2779
operates are equipped with ~~immobilizing or disabling devices~~ 2780
~~that monitor the offender's alcohol consumption or any other~~ 2781
~~type of immobilizing or disabling devices~~ a certified ignition 2782
interlock device. 2783

(ii) If the underlying arrest is drug related, the court 2784
in its discretion may issue an order that, except as provided in 2785
division (C) of section 4510.43 of the Revised Code, for the 2786
remainder of the period of suspension the offender shall not 2787
exercise the privileges unless the vehicles the offender 2788
operates are equipped with a certified ignition interlock 2789
device. 2790

(c) The first sixty days of a suspension imposed under 2791
division (H) of section 4511.19 of the Revised Code or a 2792
comparable length suspension imposed under section 4510.07 of 2793
the Revised Code. 2794

(d) The first one hundred eighty days of a suspension 2795
imposed under division (C) (1) (c) of section 4511.191 of the 2796
Revised Code. On or after the one hundred eighty-first day of 2797
suspension, the court may grant limited driving privileges, and 2798
either of the following applies: 2799

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(e) The first forty-five days of a suspension imposed under division (G) (1) (b) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code. On or after the forty-sixth day of the suspension, the court may grant limited driving privileges, and either of the following applies:

(i) If the underlying conviction is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the underlying conviction is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender

operates are equipped with a certified ignition interlock 2830
device. 2831

If a court grants limited driving privileges under 2832
division (A) (5) (e) of this section, the court may issue an order 2833
terminating an immobilization order issued pursuant to division 2834
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 2835
effect concurrently with the granting of limited driving 2836
privileges. The court shall send notice of the termination of 2837
the immobilization order to the registrar of motor vehicles. 2838

Upon receiving information that an offender violated any 2839
condition imposed by the court at the time an immobilization 2840
order was terminated under this section, the court may hold a 2841
hearing and, in its discretion, issue an order reinstating the 2842
immobilization order for the balance of the immobilization 2843
period that remained when the court originally ordered the 2844
termination of the immobilization order. The court may issue the 2845
order only upon a showing of good cause that the offender 2846
violated any condition imposed by the court. The court shall 2847
send notice of the reinstatement of the immobilization order to 2848
the registrar. 2849

(f) The first one hundred eighty days of a suspension 2850
imposed under division (G) (1) (c) of section 4511.19 of the 2851
Revised Code or a comparable length suspension imposed under 2852
section 4510.07 of the Revised Code. On or after the one hundred 2853
eighty-first day of the suspension if the offender has not 2854
consumed any beer or intoxicating liquor during the required 2855
term of continuous alcohol monitoring, the court may grant 2856
limited driving privileges, and either of the following applies: 2857

(i) If the underlying conviction is alcohol-related, the 2858
court shall issue an order that, except as provided in division 2859

(C) of section 4510.43 of the Revised Code, for the remainder of 2860
the period of suspension the offender shall not exercise the 2861
privileges unless the vehicles the offender operates are 2862
equipped with a certified ignition interlock device. 2863

(ii) If the underlying conviction is drug-related, the 2864
court in its discretion may issue an order that, except as 2865
provided in division (C) of section 4510.43 of the Revised Code, 2866
for the remainder of the period of suspension the offender shall 2867
not exercise the privileges unless the vehicles the offender 2868
operates are equipped with a certified ignition interlock 2869
device. 2870

(g) The first three years of a suspension imposed under 2871
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 2872
or a comparable length suspension imposed under section 4510.07 2873
of the Revised Code, or of a suspension imposed under division 2874
(C)(1)(d) of section 4511.191 of the Revised Code. On or after 2875
the first three years of suspension if the offender has not 2876
consumed any beer or intoxicating liquor during the required 2877
term of continuous alcohol monitoring, the court may grant 2878
limited driving privileges, and either of the following applies: 2879

(i) If the underlying conviction is alcohol-related, the 2880
court shall issue an order that, except as provided in division 2881
(C) of section 4510.43 of the Revised Code, for the remainder of 2882
the period of suspension the offender shall not exercise the 2883
privileges unless the vehicles the offender operates are 2884
equipped with a certified ignition interlock device. 2885

(ii) If the underlying conviction is drug-related, the 2886
court in its discretion may issue an order that, except as 2887
provided in division (C) of section 4510.43 of the Revised Code, 2888
for the remainder of the period of suspension the offender shall 2889

not exercise the privileges unless the vehicles the offender
operates are equipped with a certified ignition interlock
device.

(6) No judge or mayor shall grant limited driving
privileges to an offender whose driver's or commercial driver's
license or permit or nonresident operating privilege has been
suspended under division (B) of section 4511.191 of the Revised
Code during any of the following periods of time:

~~(a)~~(a)(i) The first thirty days of suspension imposed
under division (B)(1)(a) of section 4511.191 of the Revised
Code~~, if the offender consents to the vehicles the offender
operates being equipped with a certified ignition interlock
device. If the offender so consents, on or after the thirty-
first day of suspension, the court may grant limited driving
privileges and the court shall issue an order that, except as
provided in division (C) of section 4510.43 of the Revised Code,
for the remainder of the period of suspension the offender shall
not exercise the privileges unless the vehicles the offender
operates are equipped with a certified ignition interlock
device.~~

(ii) The first ninety days of suspension imposed under
division (B)(1)(a) of section 4511.191 of the Revised Code if
the offender does not consent to the vehicles the offender
operates being equipped with a certified ignition interlock
device.

(b) The first ~~ninety~~one hundred eighty days of suspension
imposed under division (B)(1)(b) of section 4511.191 of the
Revised Code~~,. On or after the one hundred eighty-first day of
suspension, the court may grant limited driving privileges, and
either of the following applies:~~

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 2920
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(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 2926
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(c) The first year of suspension imposed under division (B) (1) (c) of section 4511.191 of the Revised Code~~r~~. After the first year of suspension, the court may grant limited driving privileges, and either of the following applies: 2933
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(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 2937
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(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 2943
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(d) The first three years of suspension imposed under 2950
division (B) (1) (d) of section 4511.191 of the Revised Code. 2951
After the first three years of suspension, the court may grant 2952
limited driving privileges, and either of the following applies: 2953

(i) If the underlying arrest is alcohol-related, the court 2954
shall issue an order that, except as provided in division (C) of 2955
section 4510.43 of the Revised Code, for the remainder of the 2956
period of suspension the offender shall not exercise the 2957
privileges unless the vehicles the offender operates are 2958
equipped with a certified ignition interlock device. 2959

(ii) If the underlying arrest is drug-related, the court 2960
in its discretion may issue an order that, except as provided in 2961
division (C) of section 4510.43 of the Revised Code, for the 2962
remainder of the period of suspension the offender shall not 2963
exercise the privileges unless the vehicles the offender 2964
operates are equipped with a certified ignition interlock 2965
device. 2966

~~(7) In any case in which a judge or mayor grants limited~~ 2967
~~driving privileges to an offender whose~~ Except as provided in 2968
division (B) of section 4503.231 of the Revised Code, a judge or 2969
mayor shall impose, as a condition of granting limited driving 2970
privileges to an offender, a requirement that the offender 2971
display restricted license plates that are issued under section 2972
4503.231 of the Revised Code on the vehicle that the offender is 2973
driving while exercising those privileges if the offender's 2974
driver's or commercial driver's license or permit or nonresident 2975
operating privilege has been suspended under ~~division (G) (1)~~ 2976
~~(e) any of the following:~~ 2977

(a) Division (G) (1) (b), (c), (d), or (e) of section 2978
4511.19 of the Revised Code, ~~under division~~; 2979

(b) Division (G) (1) (a) ~~or (b)~~ of section 4511.19 of the 2980
Revised Code for a violation of division (A) (1) (f), (g), (h), or 2981
(i) of that section, ~~or under section;~~ 2982

(c) Division (B) (1) (b), (c), or (d) of section 4511.191 of 2983
the Revised Code; 2984

(d) Division (C) (1) (b), (c), or (d) of section 4511.191 of 2985
the Revised Code; 2986

(e) Section 4510.07 of the Revised Code for a municipal 2987
OVI conviction for which sentence would have been imposed under 2988
any division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), 2989
or (e) of section 4511.19 of the Revised Code specified in 2990
divisions (A) (7) (a) to (d) of this section had the offender been 2991
charged with and convicted of a violation of section 4511.19 of 2992
the Revised Code instead of a violation of the municipal OVI 2993
ordinance, ~~the judge or mayor shall impose as a condition of the~~ 2994
~~privileges that the offender must display on the vehicle that is~~ 2995
~~driven subject to the privileges restricted license plates that~~ 2996
~~are issued under section 4503.231 of the Revised Code, except as~~ 2997
~~provided in division (B) of that section.~~ 2998

(8) In any case in which an offender is required by a 2999
court under this section to operate a motor vehicle that is 3000
equipped with a certified ignition interlock device and either 3001
the offender commits an ignition interlock device violation as 3002
defined under section 4510.46 of the Revised Code or the 3003
offender operates a motor vehicle that is not equipped with a 3004
certified ignition interlock device, the following applies: 3005

(a) If the offender was sentenced under division (G) (1) (a) 3006
or (b) or division (H) of section 4511.19 of the Revised Code, 3007
on a first instance the court may require the offender to wear a 3008

monitor that provides continuous alcohol monitoring that is 3009
remote. On a second instance, the court shall require the 3010
offender to wear a monitor that provides continuous alcohol 3011
monitoring that is remote for a minimum of forty days. On a 3012
third instance or more, the court shall require the offender to 3013
wear a monitor that provides continuous alcohol monitoring that 3014
is remote for a minimum of sixty days. 3015

(b) If the offender was sentenced under division (G) (1) 3016
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 3017
first instance the court shall require the offender to wear a 3018
monitor that provides continuous alcohol monitoring that is 3019
remote for a minimum of forty days. On a second instance or 3020
more, the court shall require the offender to wear a monitor 3021
that provides continuous alcohol monitoring that is remote for a 3022
minimum of sixty days. 3023

(c) The court may increase the period of suspension of the 3024
offender's driver's or commercial driver's license or permit or 3025
nonresident operating privilege from that originally imposed by 3026
the court by a factor of two and may increase the period of time 3027
during which the offender will be prohibited from exercising any 3028
limited driving privileges granted to the offender unless the 3029
vehicles the offender operates are equipped with a certified 3030
ignition interlock device by a factor of two. The limitation 3031
under division (E) of section 4510.46 of the Revised Code 3032
applies to an increase under division (A) (8) (c) of this section. 3033

(d) If the violation occurred within sixty days of the end 3034
of the suspension of the offender's driver's or commercial 3035
driver's license or permit or nonresident operating privilege 3036
and the court does not impose an increase in the period of the 3037
suspension under division (A) (8) (c) of this section, the court 3038

shall proceed as follows: 3039

(i) Issue an order extending the period of suspension and 3040
the grant of limited driving privileges with a required 3041
certified ignition interlock device so that the suspension 3042
terminates sixty days from the date the offender committed that 3043
violation. 3044

(ii) For each violation subsequent to a violation for 3045
which an extension was ordered under division (A) (8) (d) (i) of 3046
this section, issue an order extending the period of suspension 3047
and the grant of limited driving privileges with a required 3048
certified ignition interlock device so that the suspension 3049
terminates sixty days from the date the offender committed that 3050
violation. 3051

The registrar of motor vehicles is prohibited from 3052
reinstating an offender's license unless the applicable period 3053
of suspension has been served and no ignition interlock device 3054
violations have been committed within the sixty days prior to 3055
the application for reinstatement. 3056

(9) At the time the court issues an order under this 3057
section requiring an offender to use an ignition interlock 3058
device, the court shall provide notice to the offender of each 3059
action the court is authorized or required to take under 3060
division (A) (8) of this section if the offender circumvents or 3061
tampers with the device or in any case in which the court 3062
receives notice pursuant to section 4510.46 of the Revised Code 3063
that a device prevented an offender from starting a motor 3064
vehicle. 3065

(10) In any case in which the court issues an order under 3066
this section prohibiting an offender from exercising limited 3067

driving privileges unless the vehicles the offender operates are 3068
equipped with an immobilizing or disabling device, including a 3069
certified ignition interlock device, or requires an offender to 3070
wear a monitor that provides continuous alcohol monitoring that 3071
is remote, the court shall impose an additional court cost of 3072
two dollars and fifty cents upon the offender. The court shall 3073
not waive the payment of the two dollars and fifty cents unless 3074
the court determines that the offender is indigent and waives 3075
the payment of all court costs imposed upon the indigent 3076
offender. The clerk of court shall transmit one hundred per cent 3077
of this mandatory court cost collected during a month on or 3078
before the twenty-third day of the following month to the state 3079
treasury to be credited to the public safety - highway purposes 3080
fund created under section 4501.06 of the Revised Code, to be 3081
used by the department of public safety to cover costs 3082
associated with maintaining the habitual OVI/OMWI offender 3083
registry created under section 5502.10 of the Revised Code. In 3084
its discretion the court may impose an additional court cost of 3085
two dollars and fifty cents upon the offender. The clerk of 3086
court shall retain this discretionary two dollar and fifty cent 3087
court cost, if imposed, and shall deposit it in the court's 3088
special projects fund that is established under division (E) (1) 3089
of section 2303.201, division (B) (1) of section 1901.26, or 3090
division (B) (1) of section 1907.24 of the Revised Code. 3091

(B) Any person whose driver's or commercial driver's 3092
license or permit or nonresident operating privilege has been 3093
suspended pursuant to section 4511.19 or 4511.191 of the Revised 3094
Code or under section 4510.07 of the Revised Code for a 3095
violation of a municipal OVI ordinance may file a petition for 3096
limited driving privileges during the suspension. The person 3097
shall file the petition in the court that has jurisdiction over 3098

the place of arrest. Subject to division (A) of this section, 3099
the court may grant the person limited driving privileges during 3100
the period during which the suspension otherwise would be 3101
imposed. However, the court shall not grant the privileges for 3102
employment as a driver of a commercial motor vehicle to any 3103
person who is disqualified from operating a commercial motor 3104
vehicle under section 4506.16 of the Revised Code or during any 3105
of the periods prescribed by division (A) of this section. 3106

(C) (1) After a driver's or commercial driver's license or 3107
permit or nonresident operating privilege has been suspended 3108
pursuant to section 2903.06, 2903.08, 2903.11, 2921.331, 3109
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 3110
5743.99 of the Revised Code, any provision of Chapter 2925. of 3111
the Revised Code, or section 4510.07 of the Revised Code for a 3112
violation of a municipal OVI ordinance, the judge of the court 3113
or mayor of the mayor's court that suspended the license, 3114
permit, or privilege shall cause the offender to deliver to the 3115
court the license or permit. The judge, mayor, or clerk of the 3116
court or mayor's court shall forward to the registrar the 3117
license or permit together with notice of the action of the 3118
court. 3119

(2) A suspension of a commercial driver's license under 3120
any section or chapter identified in division (C) (1) of this 3121
section shall be concurrent with any period of suspension or 3122
disqualification under section 3123.58 or 4506.16 of the Revised 3123
Code. No person who is disqualified for life from holding a 3124
commercial driver's license under section 4506.16 of the Revised 3125
Code shall be issued a driver's license under this chapter 3126
during the period for which the commercial driver's license was 3127
suspended under this section, and no person whose commercial 3128
driver's license is suspended under any section or chapter 3129

identified in division (C) (1) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(3) No judge or mayor shall suspend any class one suspension, or any portion of any class one suspension, imposed under section 2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No judge or mayor shall suspend the first thirty days of any class two, class three, class four, class five, or class six suspension imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2929.02 of the Revised Code.

(D) The judge of the court or mayor of the mayor's court shall credit any time during which an offender was subject to an administrative suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.191 or 4511.192 of the Revised Code or a suspension imposed by a judge, referee, or mayor pursuant to division (B) (1) or (2) of section 4511.196 of the Revised Code against the time to be served under a related suspension imposed pursuant to any section or chapter identified in division (C) (1) of this section.

(E) The judge or mayor shall notify the bureau of motor vehicles of any determinations made pursuant to this section and of any suspension imposed pursuant to any section or chapter identified in division (C) (1) of this section.

(F) (1) If a court issues an order under this section granting limited driving privileges and requiring an offender to use an immobilizing or disabling device, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with such a device, except as provided in division (C) of section 4510.43 of the Revised

Code. The court shall provide the offender with a copy of the 3160
order for purposes of obtaining a restricted license and shall 3161
submit a copy of the order to the registrar of motor vehicles. 3162

(2) An offender shall present to the registrar or to a 3163
deputy registrar the copy of an immobilizing or disabling device 3164
order issued under this section and a certificate affirming the 3165
installation of an immobilizing or disabling device that is in a 3166
form established by the director of public safety and that is 3167
signed by the person who installed the device. Upon presentation 3168
of the order and certificate to the registrar or a deputy 3169
registrar, the registrar or deputy registrar shall issue the 3170
offender a restricted license, unless the offender's driver's or 3171
commercial driver's license or permit is suspended under any 3172
other provision of law and limited driving privileges have not 3173
been granted with regard to that suspension. A restricted 3174
license issued under this division shall be identical to an Ohio 3175
driver's license, except that it shall have printed on its face 3176
a statement that the offender is prohibited from operating any 3177
motor vehicle that is not equipped with an immobilizing or 3178
disabling device in violation of the order. 3179

(3) (a) No person who has been granted limited driving 3180
privileges subject to an immobilizing or disabling device order 3181
under this section shall operate a motor vehicle prior to 3182
obtaining a restricted license. Any person who violates this 3183
prohibition is subject to the penalties prescribed in section 3184
4510.14 of the Revised Code. 3185

(b) The offense established under division (F) (3) (a) of 3186
this section is a strict liability offense and section 2901.20 3187
of the Revised Code does not apply. 3188

Sec. 4510.14. (A) No person whose driver's or commercial 3189

driver's license or permit or nonresident operating privilege 3190
has been suspended under section 4511.19, 4511.191, or 4511.196 3191
of the Revised Code or under section 4510.07 of the Revised Code 3192
for a conviction of a violation of a municipal OVI ordinance 3193
shall operate any motor vehicle upon the public roads or 3194
highways within this state during the period of the suspension. 3195

(B) Whoever violates this section is guilty of driving 3196
under OVI suspension. The court shall sentence the offender 3197
under Chapter 2929. of the Revised Code, subject to the 3198
differences authorized or required by this section. 3199

(1) Except as otherwise provided in division (B) (2) or (3) 3200
of this section, driving under OVI suspension is a misdemeanor 3201
of the first degree. The court shall sentence the offender to 3202
all of the following: 3203

(a) A mandatory jail term of three consecutive days. The 3204
three-day term shall be imposed, unless, subject to division (C) 3205
of this section, the court instead imposes a sentence of not 3206
less than thirty consecutive days of house arrest with 3207
electronic monitoring. A period of house arrest with electronic 3208
monitoring imposed under this division shall not exceed six 3209
months. If the court imposes a mandatory three-day jail term 3210
under this division, the court may impose a jail term in 3211
addition to that term, provided that in no case shall the 3212
cumulative jail term imposed for the offense exceed six months. 3213

(b) A fine of not less than two hundred fifty and not more 3214
than one thousand dollars; 3215

(c) A license suspension under division (E) of this 3216
section; 3217

(d) If the vehicle the offender was operating at the time 3218

of the offense is registered in the offender's name, 3219
immobilization for thirty days of the offender's vehicle and 3220
impoundment for thirty days of the identification license plates 3221
of that vehicle. The order for immobilization and impoundment 3222
shall be issued and enforced in accordance with section 4503.233 3223
of the Revised Code. 3224

(2) If, within ~~six~~-twenty years of the offense, the 3225
offender previously has been convicted of or pleaded guilty to 3226
one violation of this section or one equivalent offense, driving 3227
under OVI suspension is a misdemeanor of the first degree. The 3228
court shall sentence the offender to all of the following: 3229

(a) A mandatory jail term of ten consecutive days. 3230
Notwithstanding the jail terms provided in sections 2929.21 to 3231
2929.28 of the Revised Code, the court may sentence the offender 3232
to a longer jail term of not more than one year. The ten-day 3233
mandatory jail term shall be imposed unless, subject to division 3234
(C) of this section, the court instead imposes a sentence of not 3235
less than ninety consecutive days of house arrest with 3236
electronic monitoring. The period of house arrest with 3237
electronic monitoring shall not exceed one year. 3238

(b) Notwithstanding the fines provided for in Chapter 3239
2929. of the Revised Code, a fine of not less than five hundred 3240
and not more than two thousand five hundred dollars; 3241

(c) A license suspension under division (E) of this 3242
section; 3243

(d) If the vehicle the offender was operating at the time 3244
of the offense is registered in the offender's name, 3245
immobilization of the offender's vehicle for sixty days and the 3246
impoundment for sixty days of the identification license plates 3247

of that vehicle. The order for immobilization and impoundment 3248
shall be issued and enforced in accordance with section 4503.233 3249
of the Revised Code. 3250

(3) If, within ~~six~~twenty years of the offense, the 3251
offender previously has been convicted of or pleaded guilty to 3252
two or more violations of this section or two or more equivalent 3253
offenses, driving under OVI suspension is a misdemeanor. The 3254
court shall sentence the offender to all of the following: 3255

(a) A mandatory jail term of thirty consecutive days. 3256
Notwithstanding the jail terms provided in sections 2929.21 to 3257
2929.28 of the Revised Code, the court may sentence the offender 3258
to a longer jail term of not more than one year. The court shall 3259
not sentence the offender to a term of house arrest with 3260
electronic monitoring in lieu of the mandatory portion of the 3261
jail term. 3262

(b) Notwithstanding the fines set forth in Chapter 2929. 3263
of the Revised Code, a fine of not less than five hundred and 3264
not more than two thousand five hundred dollars; 3265

(c) A license suspension under division (E) of this 3266
section; 3267

(d) If the vehicle the offender was operating at the time 3268
of the offense is registered in the offender's name, criminal 3269
forfeiture to the state of the offender's vehicle. The order of 3270
criminal forfeiture shall be issued and enforced in accordance 3271
with section 4503.234 of the Revised Code. If title to a motor 3272
vehicle that is subject to an order for criminal forfeiture 3273
under this division is assigned or transferred and division (B) 3274
(2) or (3) of section 4503.234 of the Revised Code applies, the 3275
court may fine the offender the value of the vehicle as 3276

determined by publications of the national automobile dealers 3277
association. The proceeds from any fine so imposed shall be 3278
distributed in accordance with division (C) (2) of section 3279
4503.234 of the Revised Code. 3280

(C) No court shall impose an alternative sentence of house 3281
arrest with electronic monitoring under division (B) (1) or (2) 3282
of this section unless, within sixty days of the date of 3283
sentencing, the court issues a written finding on the record 3284
that, due to the unavailability of space at the jail where the 3285
offender is required to serve the jail term imposed, the 3286
offender will not be able to begin serving that term within the 3287
sixty-day period following the date of sentencing. 3288

An offender sentenced under this section to a period of 3289
house arrest with electronic monitoring shall be permitted work 3290
release during that period. 3291

(D) Fifty per cent of any fine imposed by a court under 3292
division (B) (1), (2), or (3) of this section shall be deposited 3293
into the county indigent drivers alcohol treatment fund or 3294
municipal indigent drivers alcohol treatment fund under the 3295
control of that court, as created by the county or municipal 3296
corporation pursuant to division (H) of section 4511.191 of the 3297
Revised Code. 3298

(E) In addition to or independent of all other penalties 3299
provided by law or ordinance, the trial judge of any court of 3300
record or the mayor of a mayor's court shall impose on an 3301
offender who is convicted of or pleads guilty to a violation of 3302
this section a class seven suspension of the offender's driver's 3303
or commercial driver's license or permit or nonresident 3304
operating privilege from the range specified in division (A) (7) 3305
of section 4510.02 of the Revised Code. 3306

When permitted as specified in section 4510.021 of the Revised Code, if the court grants limited driving privileges during a suspension imposed under this section, the privileges shall be granted on the additional condition that the offender must display restricted license plates, issued under section 4503.231 of the Revised Code, on the vehicle driven subject to the privileges, except as provided in division (B) of that section.

A suspension of a commercial driver's license under this section shall be concurrent with any period of suspension or disqualification under section 3123.58 or 4506.16 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under this section, and no person whose commercial driver's license is suspended under this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(F) 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 offense that is a misdemeanor of the first degree under this section for which the offender is sentenced.

(G) As used in this section:	3338
(1) "Electronic monitoring" has the same meaning as in section 2929.01 of the Revised Code.	3339 3340
(2) "Equivalent offense" means any of the following:	3341
(a) A violation of a municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section;	3342 3343 3344
(b) A violation of a former law of this state that was substantially equivalent to division (A) of this section.	3345 3346
(3) "Jail" has the same meaning as in section 2929.01 of the Revised Code.	3347 3348
(4) "Mandatory jail term" means the mandatory term in jail of three, ten, or thirty consecutive days that must be imposed under division (B) (1), (2), or (3) of this section upon an offender convicted of a violation of division (A) of this section and in relation to which all of the following apply:	3349 3350 3351 3352 3353
(a) Except as specifically authorized under this section, the term must be served in a jail.	3354 3355
(b) Except as specifically authorized under this section, the term cannot be suspended, reduced, or otherwise modified pursuant to any provision of the Revised Code.	3356 3357 3358
Sec. 4510.17. (A) The registrar of motor vehicles 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	3359 3360 3361 3362 3363 3364 3365

statute of any other state or any federal statute that is 3366
substantially similar to section 2925.02, 2925.03, 2925.04, 3367
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 3368
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 3369
2925.37 of the Revised Code. Upon receipt of a report from a 3370
court, court clerk, or other official of any other state or from 3371
any federal authority that a resident of this state was 3372
convicted of or pleaded guilty to an offense described in this 3373
division, the registrar shall send a notice by regular first 3374
class mail to the person, at the person's last known address as 3375
shown in the records of the bureau of motor vehicles, informing 3376
the person of the suspension, that the suspension will take 3377
effect twenty-one days from the date of the notice, and that, if 3378
the person wishes to appeal the suspension or denial, the person 3379
must file a notice of appeal within twenty-one days of the date 3380
of the notice requesting a hearing on the matter. If the person 3381
requests a hearing, the registrar shall hold the hearing not 3382
more than forty days after receipt by the registrar of the 3383
notice of appeal. The filing of a notice of appeal does not stay 3384
the operation of the suspension that must be imposed pursuant to 3385
this division. The scope of the hearing shall be limited to 3386
whether the person actually was convicted of or pleaded guilty 3387
to the offense for which the suspension is to be imposed. 3388

The suspension the registrar is required to impose under 3389
this division shall end either on the last day of the class D 3390
suspension period or of the suspension of the person's 3391
nonresident operating privilege imposed by the state or federal 3392
court, whichever is earlier. 3393

The registrar shall subscribe to or otherwise participate 3394
in any information system or register, or enter into reciprocal 3395
and mutual agreements with other states and federal authorities, 3396

in order to facilitate the exchange of information with other 3397
states and the United States government regarding persons who 3398
plead guilty to or are convicted of offenses described in this 3399
division and therefore are subject to the suspension or denial 3400
described in this division. 3401

(B) The registrar shall impose a class D suspension of the 3402
person's driver's license, commercial driver's license, 3403
temporary instruction permit, probationary license, or 3404
nonresident operating privilege for the period of time specified 3405
in division (B) (4) of section 4510.02 of the Revised Code on any 3406
person who is a resident of this state and is convicted of or 3407
pleads guilty to a violation of a statute of any other state or 3408
a municipal ordinance of a municipal corporation located in any 3409
other state that is substantially similar to section 4511.19 of 3410
the Revised Code. Upon receipt of a report from another state 3411
made pursuant to section 4510.61 of the Revised Code indicating 3412
that a resident of this state was convicted of or pleaded guilty 3413
to an offense described in this division, the registrar shall 3414
send a notice by regular first class mail to the person, at the 3415
person's last known address as shown in the records of the 3416
bureau of motor vehicles, informing the person of the 3417
suspension, that the suspension or denial will take effect 3418
twenty-one days from the date of the notice, and that, if the 3419
person wishes to appeal the suspension, the person must file a 3420
notice of appeal within twenty-one days of the date of the 3421
notice requesting a hearing on the matter. If the person 3422
requests a hearing, the registrar shall hold the hearing not 3423
more than forty days after receipt by the registrar of the 3424
notice of appeal. The filing of a notice of appeal does not stay 3425
the operation of the suspension that must be imposed pursuant to 3426
this division. The scope of the hearing shall be limited to 3427

whether the person actually was convicted of or pleaded guilty 3428
to the offense for which the suspension is to be imposed. 3429

The suspension the registrar is required to impose under 3430
this division shall end either on the last day of the class D 3431
suspension period or of the suspension of the person's 3432
nonresident operating privilege imposed by the state or federal 3433
court, whichever is earlier. 3434

(C) The registrar shall impose a class D suspension of the 3435
child's driver's license, commercial driver's license, temporary 3436
instruction permit, or nonresident operating privilege for the 3437
period of time specified in division (B) (4) of section 4510.02 3438
of the Revised Code on any child who is a resident of this state 3439
and is convicted of or pleads guilty to a violation of a statute 3440
of any other state or any federal statute that is substantially 3441
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3442
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 3443
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 3444
Code. Upon receipt of a report from a court, court clerk, or 3445
other official of any other state or from any federal authority 3446
that a child who is a resident of this state was convicted of or 3447
pleaded guilty to an offense described in this division, the 3448
registrar shall send a notice by regular first class mail to the 3449
child, at the child's last known address as shown in the records 3450
of the bureau of motor vehicles, informing the child of the 3451
suspension, that the suspension or denial will take effect 3452
twenty-one days from the date of the notice, and that, if the 3453
child wishes to appeal the suspension, the child must file a 3454
notice of appeal within twenty-one days of the date of the 3455
notice requesting a hearing on the matter. If the child requests 3456
a hearing, the registrar shall hold the hearing not more than 3457
forty days after receipt by the registrar of the notice of 3458

appeal. The filing of a notice of appeal does not stay the 3459
operation of the suspension that must be imposed pursuant to 3460
this division. The scope of the hearing shall be limited to 3461
whether the child actually was convicted of or pleaded guilty to 3462
the offense for which the suspension is to be imposed. 3463

The suspension the registrar is required to impose under 3464
this division shall end either on the last day of the class D 3465
suspension period or of the suspension of the child's 3466
nonresident operating privilege imposed by the state or federal 3467
court, whichever is earlier. If the child is a resident of this 3468
state who is sixteen years of age or older and does not have a 3469
current, valid Ohio driver's or commercial driver's license or 3470
permit, the notice shall inform the child that the child will be 3471
denied issuance of a driver's or commercial driver's license or 3472
permit for six months beginning on the date of the notice. If 3473
the child has not attained the age of sixteen years on the date 3474
of the notice, the notice shall inform the child that the period 3475
of denial of six months shall commence on the date the child 3476
attains the age of sixteen years. 3477

The registrar shall subscribe to or otherwise participate 3478
in any information system or register, or enter into reciprocal 3479
and mutual agreements with other states and federal authorities, 3480
in order to facilitate the exchange of information with other 3481
states and the United States government regarding children who 3482
are residents of this state and plead guilty to or are convicted 3483
of offenses described in this division and therefore are subject 3484
to the suspension or denial described in this division. 3485

(D) The registrar shall impose a class D suspension of the 3486
child's driver's license, commercial driver's license, temporary 3487
instruction permit, probationary license, or nonresident 3488

operating privilege for the period of time specified in division 3489
(B) (4) of section 4510.02 of the Revised Code on any child who 3490
is a resident of this state and is convicted of or pleads guilty 3491
to a violation of a statute of any other state or a municipal 3492
ordinance of a municipal corporation located in any other state 3493
that is substantially similar to section 4511.19 of the Revised 3494
Code. Upon receipt of a report from another state made pursuant 3495
to section 4510.61 of the Revised Code indicating that a child 3496
who is a resident of this state was convicted of or pleaded 3497
guilty to an offense described in this division, the registrar 3498
shall send a notice by regular first class mail to the child, at 3499
the child's last known address as shown in the records of the 3500
bureau of motor vehicles, informing the child of the suspension, 3501
that the suspension will take effect twenty-one days from the 3502
date of the notice, and that, if the child wishes to appeal the 3503
suspension, the child must file a notice of appeal within 3504
twenty-one days of the date of the notice requesting a hearing 3505
on the matter. If the child requests a hearing, the registrar 3506
shall hold the hearing not more than forty days after receipt by 3507
the registrar of the notice of appeal. The filing of a notice of 3508
appeal does not stay the operation of the suspension that must 3509
be imposed pursuant to this division. The scope of the hearing 3510
shall be limited to whether the child actually was convicted of 3511
or pleaded guilty to the offense for which the suspension is to 3512
be imposed. 3513

The suspension the registrar is required to impose under 3514
this division shall end either on the last day of the class D 3515
suspension period or of the suspension of the child's 3516
nonresident operating privilege imposed by the state or federal 3517
court, whichever is earlier. If the child is a resident of this 3518
state who is sixteen years of age or older and does not have a 3519

current, valid Ohio driver's or commercial driver's license or 3520
permit, the notice shall inform the child that the child will be 3521
denied issuance of a driver's or commercial driver's license or 3522
permit for six months beginning on the date of the notice. If 3523
the child has not attained the age of sixteen years on the date 3524
of the notice, the notice shall inform the child that the period 3525
of denial of six months shall commence on the date the child 3526
attains the age of sixteen years. 3527

(E) (1) Any person whose license or permit has been 3528
suspended pursuant to this section may file a petition in the 3529
municipal or county court, or in case the person is under 3530
eighteen years of age, the juvenile court, in whose jurisdiction 3531
the person resides, requesting limited driving privileges and 3532
agreeing to pay the cost of the proceedings. Except as provided 3533
in division (E) (2) or (3) of this section, the judge may grant 3534
the person limited driving privileges during the period during 3535
which the suspension otherwise would be imposed for any of the 3536
purposes set forth in division (A) of section 4510.021 of the 3537
Revised Code. 3538

(2) No judge shall grant limited driving privileges for 3539
employment as a driver of a commercial motor vehicle to any 3540
person who would be disqualified from operating a commercial 3541
motor vehicle under section 4506.16 of the Revised Code if the 3542
violation had occurred in this state. Further, no judge shall 3543
grant limited driving privileges during any of the following 3544
periods of time: 3545

(a) The first ~~fifteen~~thirty days of a suspension under 3546
division (B) or (D) of this section, if the person has not been 3547
convicted within ~~ten~~twenty years of the date of the offense 3548
giving rise to the suspension under this section of a violation 3549

of any of the following: 3550

(i) Division (A) of section 4511.19 of the Revised Code, 3551
or a municipal ordinance relating to operating a vehicle while 3552
under the influence of alcohol, a drug of abuse, or alcohol and 3553
a drug of abuse; 3554

(ii) A municipal ordinance relating to operating a motor 3555
vehicle with a prohibited concentration of alcohol, a controlled 3556
substance, or a metabolite of a controlled substance in the 3557
whole blood, blood serum or plasma, breath, or urine; 3558

(iii) Section 2903.04 of the Revised Code in a case in 3559
which the person was subject to the sanctions described in 3560
division (D) of that section; 3561

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 3562
of section 2903.08 of the Revised Code or a municipal ordinance 3563
that is substantially similar to either of those divisions; 3564

(v) Division (A) (2), (3), or (4) of section 2903.06, 3565
division (A) (2) of section 2903.08, or as it existed prior to 3566
March 23, 2000, section 2903.07 of the Revised Code, or a 3567
municipal ordinance that is substantially similar to any of 3568
those divisions or that former section, in a case in which the 3569
jury or judge found that the person was under the influence of 3570
alcohol, a drug of abuse, or alcohol and a drug of abuse. 3571

(b) The first ~~thirty~~forty-five days of a suspension under 3572
division (B) or (D) of this section, if the person has been 3573
convicted one time within ~~ten~~twenty years of the date of the 3574
offense giving rise to the suspension under this section of any 3575
violation identified in division ~~(E) (1) (a)~~(E) (2) (a) of this 3576
section. 3577

(c) The first one hundred eighty days of a suspension 3578

under division (B) or (D) of this section, if the person has 3579
been convicted two times within ~~ten~~twenty years of the date of 3580
the offense giving rise to the suspension under this section of 3581
any violation identified in division ~~(E) (1) (a)~~ (E) (2) (a) of this 3582
section. 3583

~~(3) No limited driving privileges may be granted~~ The first 3584
three years of a suspension under division (B) or (D) of this 3585
section, if the person has been convicted three or more times 3586
within ~~five~~twenty years of the date of the offense giving rise 3587
to a suspension under division (B) or (D) of this section of any 3588
violation identified in division ~~(E) (1) (a)~~ (E) (2) (a) of this 3589
section. 3590

(4) In accordance with section 4510.022 of the Revised 3591
Code, a person may petition for, and a judge may grant, 3592
unlimited driving privileges with a certified ignition interlock 3593
device during the period of suspension imposed under division 3594
(B) or (D) of this section to a person described in division (E) 3595
(2) (a) of this section. 3596

(5) If a person petitions for limited driving privileges 3597
under division (E) (1) of this section or unlimited driving 3598
privileges with a certified ignition interlock device as 3599
provided in division (E) (4) of this section, the registrar shall 3600
be represented by the county prosecutor of the county in which 3601
the person resides if the petition is filed in a juvenile court 3602
or county court, except that if the person resides within a city 3603
or village that is located within the jurisdiction of the county 3604
in which the petition is filed, the city director of law or 3605
village solicitor of that city or village shall represent the 3606
registrar. If the petition is filed in a municipal court, the 3607
registrar shall be represented as provided in section 1901.34 of 3608

the Revised Code. 3609

(6) (a) In issuing an order granting limited driving 3610
privileges under division (E) (1) of this section, the court may 3611
impose any condition it considers reasonable and necessary to 3612
limit the use of a vehicle by the person. The court shall 3613
deliver to the person a copy of the order setting forth the 3614
time, place, and other conditions limiting the person's use of a 3615
motor vehicle. Unless division (E) (6) (b) of this section 3616
applies, the grant of limited driving privileges shall be 3617
conditioned upon the person's having the order in the person's 3618
possession at all times during which the person is operating a 3619
vehicle. 3620

(b) If, under the order, the court requires the use of an 3621
immobilizing or disabling device as a condition of the grant of 3622
limited or unlimited driving privileges, the person shall 3623
present to the registrar or to a deputy registrar the copy of 3624
the order granting limited driving privileges and a certificate 3625
affirming the installation of an immobilizing or disabling 3626
device that is in a form established by the director of public 3627
safety and is signed by the person who installed the device. 3628
Upon presentation of the order and the certificate to the 3629
registrar or a deputy registrar, the registrar or deputy 3630
registrar shall issue to the offender a restricted license, 3631
unless the offender's driver's or commercial driver's license or 3632
permit is suspended under any other provision of law and limited 3633
driving privileges have not been granted with regard to that 3634
suspension. A restricted license issued under this division 3635
shall be identical to an Ohio driver's license, except that it 3636
shall have printed on its face a statement that the offender is 3637
prohibited from operating any motor vehicle that is not equipped 3638
with an immobilizing or disabling device in violation of the 3639

order. 3640

(7) (a) Unless division (E) (7) (b) applies, a person granted 3641
limited driving privileges who operates a vehicle for other than 3642
limited purposes, in violation of any condition imposed by the 3643
court or without having the order in the person's possession, is 3644
guilty of a violation of section 4510.11 of the Revised Code. 3645

(b) No person who has been granted limited or unlimited 3646
driving privileges under division (E) of this section subject to 3647
an immobilizing or disabling device order shall operate a motor 3648
vehicle prior to obtaining a restricted license. Any person who 3649
violates this prohibition is subject to the penalties prescribed 3650
in section 4510.14 of the Revised Code. 3651

(c) The offenses established under division (E) (7) of this 3652
section are strict liability offenses and section 2901.20 of the 3653
Revised Code does not apply. 3654

(F) The provisions of division (A) (8) of section 4510.13 3655
of the Revised Code apply to a person who has been granted 3656
limited or unlimited driving privileges with a certified 3657
ignition interlock device under this section and who either 3658
commits an ignition interlock device violation as defined under 3659
section 4510.46 of the Revised Code or operates a motor vehicle 3660
that is not equipped with a certified ignition interlock device. 3661

(G) Any person whose license or permit has been suspended 3662
under division (A) or (C) of this section may file a petition in 3663
the municipal or county court, or in case the person is under 3664
eighteen years of age, the juvenile court, in whose jurisdiction 3665
the person resides, requesting the termination of the suspension 3666
and agreeing to pay the cost of the proceedings. If the court, 3667
in its discretion, determines that a termination of the 3668

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 other equivalent document is filed in the other state or a hearing, trial, or other proceeding is held in the other state on the complaint or other equivalent document, and irrespective of the person's age when the period of license suspension or denial prescribed in division (C) or (D) of this section is imposed.

(2) "Is convicted of or pleads guilty to" means, as it relates to a child who is a resident of this state, that in a proceeding conducted in a state or federal court located in another state for a violation of a statute or ordinance described in division (C) or (D) of this section, the result of the proceeding is any of the following:

(a) Under the laws that govern the proceedings of the court, the child is adjudicated to be or admits to being a delinquent child or a juvenile traffic offender for a violation described in division (C) or (D) of this section that would be a crime if committed by an adult;

(b) Under the laws that govern the proceedings of the court, the child is convicted of or pleads guilty to a violation described in division (C) or (D) of this section;

(c) Under the laws that govern the proceedings of the court, irrespective of the terminology utilized in those laws, the result of the court's proceedings is the functional equivalent of division (H) (2) (a) or (b) of this section.

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) or (2) of this section, the registrar of motor vehicles shall suspend the probationary driver's license, restricted license, or temporary instruction permit issued to any person when the person has been convicted of, pleaded guilty to, or been adjudicated in juvenile court of having committed, prior to the person's eighteenth birthday, any of the following:

(a) Three separate violations of section 2903.06, 2903.08, 2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised Code, section 4510.14 of the Revised Code involving a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, section 2903.04 of the Revised Code in a case in which the person would have been subject to the sanctions described in division (D) of that section had the person been convicted of the violation of that section, former section 2903.07 of the Revised Code, or any municipal ordinances similarly relating to the offenses referred to in those sections;

(b) One violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance;

(c) Two separate violations of any of the Revised Code sections referred to in division (A) (1) (a) of this section, or any municipal ordinance that is substantially similar to any of those sections.

(2) Any person whose license or permit is suspended under 3728
division (A)(1)(a), (b), or (c) of this section shall mail or 3729
deliver the person's probationary driver's license, restricted 3730
license, or temporary instruction permit to the registrar within 3731
fourteen days of notification of the suspension. The registrar 3732
shall retain the license or permit during the period of the 3733
suspension. A suspension pursuant to division (A)(1)(a) of this 3734
section shall be a class C suspension, a suspension pursuant to 3735
division (A)(1)(b) of this section shall be a class D 3736
suspension, and a suspension pursuant to division (A)(1)(c) of 3737
this section shall be a class E suspension, all for the periods 3738
of time specified in division (B) of section 4510.02 of the 3739
Revised Code. If the person's probationary driver's license, 3740
restricted license, or temporary instruction permit is under 3741
suspension on the date the court imposes sentence upon the 3742
person for a violation described in division (A)(1)(b) of this 3743
section, the suspension shall take effect on the next day 3744
immediately following the end of that period of suspension. If 3745
the person is sixteen years of age or older and pleads guilty to 3746
or is convicted of a violation described in division (A)(1)(b) 3747
of this section and the person does not have a current, valid 3748
probationary driver's license, restricted license, or temporary 3749
instruction permit, the registrar shall deny the issuance to the 3750
person of a probationary driver's license, restricted license, 3751
driver's license, commercial driver's license, or temporary 3752
instruction permit, as the case may be, for six months beginning 3753
on the date the court imposes sentence upon the person for the 3754
violation. If the person has not attained the age of sixteen 3755
years on the date the court imposes sentence upon the person for 3756
the violation, the period of denial shall commence on the date 3757
the person attains the age of sixteen years. 3758

(3) The registrar shall suspend the person's license or 3759
permit under division (A) of this section regardless of whether 3760
the disposition of the case in juvenile court occurred after the 3761
person's eighteenth birthday. 3762

(B) The registrar also shall impose a class D suspension 3763
for the period of time specified in division (B) (4) of section 3764
4510.02 of the Revised Code of the temporary instruction permit 3765
or probationary driver's license of any person under the age of 3766
eighteen who has been adjudicated an unruly child, delinquent 3767
child, or juvenile traffic offender for having committed any act 3768
that if committed by an adult would be a drug abuse offense or a 3769
violation of division (B) of section 2917.11 of the Revised 3770
Code. The registrar, in the registrar's discretion, may 3771
terminate the suspension if the child, at the discretion of the 3772
court, attends and satisfactorily completes a drug abuse or 3773
alcohol abuse education, intervention, or treatment program 3774
specified by the court. Any person whose temporary instruction 3775
permit or probationary driver's license is suspended under this 3776
division shall mail or deliver the person's permit or license to 3777
the registrar within fourteen days of notification of the 3778
suspension. The registrar shall retain the permit or license 3779
during the period of the suspension. 3780

(C) (1) (a) Except as provided in division (C) (1) (c) of this 3781
section, for any person who is convicted of, pleads guilty to, 3782
or is adjudicated in juvenile court of having committed a second 3783
or third violation of section 4511.12, 4511.13, 4511.20 to 3784
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3785
4511.75 of the Revised Code or any similar municipal ordinances 3786
and whose license or permit is suspended under division (A) (1) 3787
(a) or (c) of this section, the court in which the second or 3788
third conviction, finding, plea, or adjudication resulting in 3789

the suspension was made, upon petition of the person, may grant 3790
the person limited driving privileges during the period during 3791
which the suspension otherwise would be imposed under division 3792
(A) (1) (a) or (c) of this section for any of the purposes set 3793
forth in division (A) of section 4510.021 of the Revised Code. 3794
In granting the limited driving privileges, the court shall 3795
specify the purposes, times, and places of the privileges and 3796
may impose any other conditions upon the person's driving a 3797
motor vehicle that the court considers reasonable and necessary. 3798

A court that grants limited driving privileges to a person 3799
under this division shall retain the person's probationary 3800
driver's license, restricted license, or temporary instruction 3801
permit during the period the license or permit is suspended and 3802
also during the period for which limited driving privileges are 3803
granted, and shall deliver to the person a permit card, in a 3804
form to be prescribed by the court, setting forth the date on 3805
which the limited driving privileges will become effective, the 3806
purposes for which the person may drive, the times and places at 3807
which the person may drive, and any other conditions imposed 3808
upon the person's use of a motor vehicle. 3809

The court immediately shall notify the registrar, in 3810
writing, of a grant of limited driving privileges under this 3811
division. The notification shall specify the date on which the 3812
limited driving privileges will become effective, the purposes 3813
for which the person may drive, the times and places at which 3814
the person may drive, and any other conditions imposed upon the 3815
person's use of a motor vehicle. The registrar shall not suspend 3816
the probationary driver's license, restricted license, or 3817
temporary instruction permit of any person pursuant to division 3818
(A) of this section during any period for which the person has 3819
been granted limited driving privileges as provided in this 3820

division, if the registrar has received the notification 3821
described in this division from the court. 3822

(b) Except as provided in division (C) (1) (c) of this 3823
section, in any case in which the temporary instruction permit 3824
or probationary driver's license of a person under eighteen 3825
years of age has been suspended under division (A) or (B) of 3826
this section or any other provision of law, the court may grant 3827
the person limited driving privileges for the purpose of the 3828
person's practicing of driving with the person's parent, 3829
guardian, or other custodian during the period of the 3830
suspension. Any grant of limited driving privileges under this 3831
division shall comply with division (D) of section 4510.021 of 3832
the Revised Code. 3833

(c) A court shall not grant limited driving privileges to 3834
a person identified in division (C) (1) (a) or (b) of this section 3835
if the person, ~~within the preceding six years~~ prior to the 3836
person's eighteenth birthday, has been convicted of, pleaded 3837
guilty to, or adjudicated in juvenile court of having committed 3838
three or more violations of ~~one or more of the divisions or~~ 3839
~~sections set forth in divisions (G) (2) (b) to (g) of an~~ 3840
equivalent offense, as defined in section 2919.22-4511.181 of 3841
the Revised Code. 3842

(2) (a) In a case in which a person is convicted of, pleads 3843
guilty to, or is adjudicated in juvenile court of having 3844
committed, prior to the person's eighteenth birthday, a second 3845
or third violation of section 4511.12, 4511.13, 4511.20 to 3846
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 3847
4511.75 of the Revised Code or any similar municipal ordinances 3848
and division (A) (1) (a) or (c) of this section requires the 3849
registrar of motor vehicles to suspend the person's license or 3850

permit, the court in which the person is convicted of, pleads 3851
guilty to, or is adjudicated of having committed the second or 3852
third violation may elect to order the registrar of motor 3853
vehicles to waive the suspension if all of the following apply: 3854

(i) Prior to the date on which the court imposes sentence 3855
upon, or makes an order of disposition for, the person for the 3856
second or third violation, the person submits to the court a 3857
petition requesting the court to order the registrar to waive 3858
the prescribed suspension and describing the reasons why the 3859
person believes the suspension, if imposed, would seriously 3860
affect the person's ability to continue in employment, 3861
educational training, vocational training, or treatment. 3862

(ii) Prior to the date specified in division (C) (2) (a) (i) 3863
of this section, the person submits to the court satisfactory 3864
proof showing that the person successfully completed an advanced 3865
juvenile driver improvement program approved by the director of 3866
public safety under division (B) of section 4510.311 of the 3867
Revised Code after the date the person committed that second or 3868
third violation. 3869

(iii) Prior to imposing sentence upon, or making an order 3870
of disposition for, the person for the second or third 3871
violation, the court finds reasonable cause to believe that the 3872
suspension, if imposed, would seriously affect the person's 3873
ability to continue in employment, educational training, 3874
vocational training, or treatment. 3875

(iv) If the court is imposing sentence upon, or making an 3876
order of disposition for, the person for a third violation, the 3877
person did not submit to the court that imposed sentence upon, 3878
or made an order of disposition for, the person for the second 3879
violation a petition of the type described in division (C) (2) (a) 3880

(i) of this section, and the court that imposed sentence upon, 3881
or made an order of disposition for, the person for that second 3882
violation did not order the registrar of motor vehicles to waive 3883
the suspension of the person's license or permit required under 3884
division (A)(1)(c) of this section for the conviction of, plea 3885
of guilty to, or adjudication in juvenile court of having 3886
committed that second violation. 3887

(b) If a court elects pursuant to division (C)(2)(a) of 3888
this section to order the registrar of motor vehicles to waive a 3889
suspension that otherwise is required under division (A)(1)(a) 3890
or (c) of this section, the court immediately shall send a 3891
written copy of the order to the registrar. Upon receipt of the 3892
written copy of the order, the registrar shall not suspend 3893
pursuant to division (A)(1)(a) or (c) of this section the 3894
probationary driver's license, restricted license, or temporary 3895
instruction permit of the person who is the subject of the order 3896
for the second or third violation for which the suspension 3897
otherwise would be imposed under that division. 3898

(D) If a person who has been granted limited driving 3899
privileges under division (C)(1) of this section is convicted 3900
of, pleads guilty to, or is adjudicated in juvenile court of 3901
having committed, a violation of Chapter 4510. of the Revised 3902
Code, or a subsequent violation of any of the sections of the 3903
Revised Code listed in division (A)(1)(a) of this section or any 3904
similar municipal ordinance during the period for which the 3905
person was granted limited driving privileges, the court that 3906
granted the limited driving privileges shall suspend the 3907
person's permit card. The court or the clerk of the court 3908
immediately shall forward the person's probationary driver's 3909
license, restricted license, or temporary instruction permit 3910
together with written notification of the court's action to the 3911

registrar. Upon receipt of the license or permit and 3912
notification, the registrar shall impose a class C suspension of 3913
the person's probationary driver's license, restricted license, 3914
or temporary instruction permit for the period of time specified 3915
in division (B) (3) of section 4510.02 of the Revised Code. The 3916
registrar shall retain the license or permit during the period 3917
of suspension, and no further limited driving privileges shall 3918
be granted during that period. 3919

(E) No application for a driver's or commercial driver's 3920
license shall be received from any person whose probationary 3921
driver's license, restricted license, or temporary instruction 3922
permit has been suspended under this section until each of the 3923
following has occurred: 3924

(1) The suspension period has expired; 3925

(2) A temporary instruction permit or commercial driver's 3926
license temporary instruction permit has been issued; 3927

(3) The person successfully completes a juvenile driver 3928
improvement program approved by the director of public safety 3929
under division (A) of section 4510.311 of the Revised Code; 3930

(4) The applicant has submitted to the examination for a 3931
driver's license as provided for in section 4507.11 or a 3932
commercial driver's license as provided in Chapter 4506. of the 3933
Revised Code. 3934

Sec. 4510.54. (A) Except as provided in division (F) of 3935
this section, a person whose driver's or commercial driver's 3936
license has been suspended for life under a class one suspension 3937
or as otherwise provided by law or has been suspended for a 3938
period in excess of fifteen years under a class two suspension 3939
may file a motion with the sentencing court for modification or 3940

termination of the suspension. The person filing the motion 3941
shall demonstrate all of the following: 3942

(1) (a) If the person's license was suspended as a result 3943
of the person pleading guilty to or being convicted of a felony, 3944
at least fifteen years have elapsed since the suspension began 3945
or, if the person's license was suspended under division ~~(B)(2)~~ 3946
~~(d)~~ (B)(2)(g) of section 2903.06 of the Revised Code, at least 3947
fifteen years have elapsed since the person was released from 3948
prison, and, for the past fifteen years, the person has not been 3949
found guilty of any of the following: 3950

(i) A felony; 3951

(ii) An offense involving a moving violation under federal 3952
law, the law of this state, or the law of any of its political 3953
subdivisions; 3954

(iii) A violation of a suspension under this chapter or a 3955
substantially equivalent municipal ordinance. 3956

(b) If the person's license was suspended as a result of 3957
the person pleading guilty to or being convicted of a 3958
misdemeanor, at least five years have elapsed since the 3959
suspension began, and, for the past five years, the person has 3960
not been found guilty of any of the following: 3961

(i) An offense involving a moving violation under the law 3962
of this state, the law of any of its political subdivisions, or 3963
federal law; 3964

(ii) A violation of section 2903.06 or 2903.08 of the 3965
Revised Code; 3966

(iii) A violation of a suspension under this chapter or a 3967
substantially equivalent municipal ordinance. 3968

(2) The person has proof of financial responsibility, a 3969
policy of liability insurance in effect that meets the minimum 3970
standard set forth in section 4509.51 of the Revised Code, or 3971
proof, to the satisfaction of the registrar of motor vehicles, 3972
that the person is able to respond in damages in an amount at 3973
least equal to the minimum amounts specified in that section. 3974

(3) If the suspension was imposed because the person was 3975
under the influence of alcohol, a drug of abuse, or combination 3976
of them at the time of the offense or because at the time of the 3977
offense the person's whole blood, blood serum or plasma, breath, 3978
or urine contained at least the concentration of alcohol 3979
specified in division (A)(1)(b), (c), (d), or (e) of section 3980
4511.19 of the Revised Code or at least the concentration of a 3981
listed controlled substance or a listed metabolite of a 3982
controlled substance specified in division (A)(1)(j) of section 3983
4511.19 of the Revised Code, all of the following apply to the 3984
person: 3985

(a) The person successfully completed an alcohol, drug, or 3986
alcohol and drug treatment program. 3987

(b) The person has not abused alcohol or other drugs for a 3988
period satisfactory to the court. 3989

(c) For the past fifteen years, the person has not been 3990
found guilty of any alcohol-related or drug-related offense. 3991

(B) Upon receipt of a motion for modification or 3992
termination of the suspension under this section, the court may 3993
schedule a hearing on the motion. The court may deny the motion 3994
without a hearing but shall not grant the motion without a 3995
hearing. If the court denies a motion without a hearing, the 3996
court may consider a subsequent motion filed under this section 3997

by that person. If a court denies the motion after a hearing, 3998
the court shall not consider a subsequent motion for that 3999
person. The court shall hear only one motion filed by a person 4000
under this section. If scheduled, the hearing shall be conducted 4001
in open court within ninety days after the date on which the 4002
motion is filed. 4003

(C) The court shall notify the person whose license was 4004
suspended and the prosecuting attorney of the date, time, and 4005
location of the hearing. Upon receipt of the notice from the 4006
court, the prosecuting attorney shall notify the victim or the 4007
victim's representative of the date, time, and location of the 4008
hearing. 4009

(D) At any hearing under this section, the person who 4010
seeks modification or termination of the suspension has the 4011
burden to demonstrate, under oath, that the person meets the 4012
requirements of division (A) of this section. At the hearing, 4013
the court shall afford the offender or the offender's counsel an 4014
opportunity to present oral or written information relevant to 4015
the motion. The court shall afford a similar opportunity to 4016
provide relevant information to the prosecuting attorney and the 4017
victim or victim's representative. 4018

Before ruling on the motion, the court shall take into 4019
account the person's driving record, the nature of the offense 4020
that led to the suspension, and the impact of the offense on any 4021
victim. In addition, if the offender is eligible for 4022
modification or termination of the suspension under division (A) 4023
(1) (a) of this section, the court shall consider whether the 4024
person committed any other offense while under suspension and 4025
determine whether the offense is relevant to a determination 4026
under this section. The court may modify or terminate the 4027

suspension subject to any considerations it considers proper if 4028
it finds that allowing the person to drive is not likely to 4029
present a danger to the public. After the court makes a ruling 4030
on a motion filed under this section, the prosecuting attorney 4031
shall notify the victim or the victim's representative of the 4032
court's ruling. 4033

(E) If a court modifies a person's license suspension 4034
under this section and the person subsequently is found guilty 4035
of any moving violation or of any substantially equivalent 4036
municipal ordinance that carries as a possible penalty the 4037
suspension of a person's driver's or commercial driver's 4038
license, the court may reimpose the class one or other lifetime 4039
suspension, or the class two suspension, whichever is 4040
applicable. 4041

(F) This section does not apply to any person whose 4042
driver's or commercial driver's license or permit or nonresident 4043
operating privilege has been suspended for life under a class 4044
one suspension imposed under division (B) (3) of section 2903.06 4045
or section 2903.08 of the Revised Code or a class two suspension 4046
imposed under division (C) of section 2903.06 or section 4047
2903.11, 2923.02, or 2929.02 of the Revised Code. 4048

(G) As used in this section, "released from prison" means 4049
a person's physical release from a jail or prison as defined in 4050
section 2929.01 of the Revised Code. 4051

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 4052
streetcar, or trackless trolley within this state, if, at the 4053
time of the operation, any of the following apply: 4054

(a) The person is under the influence of alcohol, a drug 4055
of abuse, or a combination of them. 4056

(b) The person has a concentration of eight-hundredths of 4057
one per cent or more but less than seventeen-hundredths of one 4058
per cent by weight per unit volume of alcohol in the person's 4059
whole blood. 4060

(c) The person has a concentration of ninety-six- 4061
thousandths of one per cent or more but less than two hundred 4062
four-thousandths of one per cent by weight per unit volume of 4063
alcohol in the person's blood serum or plasma. 4064

(d) The person has a concentration of eight-hundredths of 4065
one gram or more but less than seventeen-hundredths of one gram 4066
by weight of alcohol per two hundred ten liters of the person's 4067
breath. 4068

(e) The person has a concentration of eleven-hundredths of 4069
one gram or more but less than two hundred thirty-eight- 4070
thousandths of one gram by weight of alcohol per one hundred 4071
milliliters of the person's urine. 4072

(f) The person has a concentration of seventeen-hundredths 4073
of one per cent or more by weight per unit volume of alcohol in 4074
the person's whole blood. 4075

(g) The person has a concentration of two hundred four- 4076
thousandths of one per cent or more by weight per unit volume of 4077
alcohol in the person's blood serum or plasma. 4078

(h) The person has a concentration of seventeen-hundredths 4079
of one gram or more by weight of alcohol per two hundred ten 4080
liters of the person's breath. 4081

(i) The person has a concentration of two hundred thirty- 4082
eight-thousandths of one gram or more by weight of alcohol per 4083
one hundred milliliters of the person's urine. 4084

(j) Except as provided in division (K) of this section, 4085
the person has a concentration of any of the following 4086
controlled substances or metabolites of a controlled substance 4087
in the person's whole blood, blood serum or plasma, or urine 4088
that equals or exceeds any of the following: 4089

(i) The person has a concentration of amphetamine in the 4090
person's urine of at least five hundred nanograms of amphetamine 4091
per milliliter of the person's urine or has a concentration of 4092
amphetamine in the person's whole blood or blood serum or plasma 4093
of at least one hundred nanograms of amphetamine per milliliter 4094
of the person's whole blood or blood serum or plasma. 4095

(ii) The person has a concentration of cocaine in the 4096
person's urine of at least one hundred fifty nanograms of 4097
cocaine per milliliter of the person's urine or has a 4098
concentration of cocaine in the person's whole blood or blood 4099
serum or plasma of at least fifty nanograms of cocaine per 4100
milliliter of the person's whole blood or blood serum or plasma. 4101

(iii) The person has a concentration of cocaine metabolite 4102
in the person's urine of at least one hundred fifty nanograms of 4103
cocaine metabolite per milliliter of the person's urine or has a 4104
concentration of cocaine metabolite in the person's whole blood 4105
or blood serum or plasma of at least fifty nanograms of cocaine 4106
metabolite per milliliter of the person's whole blood or blood 4107
serum or plasma. 4108

(iv) The person has a concentration of heroin in the 4109
person's urine of at least two thousand nanograms of heroin per 4110
milliliter of the person's urine or has a concentration of 4111
heroin in the person's whole blood or blood serum or plasma of 4112
at least fifty nanograms of heroin per milliliter of the 4113
person's whole blood or blood serum or plasma. 4114

(v) The person has a concentration of heroin metabolite 4115
(6-monoacetyl morphine) in the person's urine of at least ten 4116
nanograms of heroin metabolite (6-monoacetyl morphine) per 4117
milliliter of the person's urine or has a concentration of 4118
heroin metabolite (6-monoacetyl morphine) in the person's whole 4119
blood or blood serum or plasma of at least ten nanograms of 4120
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4121
person's whole blood or blood serum or plasma. 4122

(vi) The person has a concentration of L.S.D. in the 4123
person's urine of at least twenty-five nanograms of L.S.D. per 4124
milliliter of the person's urine or a concentration of L.S.D. in 4125
the person's whole blood or blood serum or plasma of at least 4126
ten nanograms of L.S.D. per milliliter of the person's whole 4127
blood or blood serum or plasma. 4128

(vii) The person has a concentration of marihuana in the 4129
person's urine of at least ten nanograms of marihuana per 4130
milliliter of the person's urine or has a concentration of 4131
marihuana in the person's whole blood or blood serum or plasma 4132
of at least two nanograms of marihuana per milliliter of the 4133
person's whole blood or blood serum or plasma. 4134

(viii) Either of the following applies: 4135

(I) The person is under the influence of alcohol, a drug 4136
of abuse, or a combination of them, and the person has a 4137
concentration of marihuana metabolite in the person's urine of 4138
at least fifteen nanograms of marihuana metabolite per 4139
milliliter of the person's urine or has a concentration of 4140
marihuana metabolite in the person's whole blood or blood serum 4141
or plasma of at least five nanograms of marihuana metabolite per 4142
milliliter of the person's whole blood or blood serum or plasma. 4143

(II) The person has a concentration of marihuana 4144
metabolite in the person's urine of at least thirty-five 4145
nanograms of marihuana metabolite per milliliter of the person's 4146
urine or has a concentration of marihuana metabolite in the 4147
person's whole blood or blood serum or plasma of at least fifty 4148
nanograms of marihuana metabolite per milliliter of the person's 4149
whole blood or blood serum or plasma. 4150

(ix) The person has a concentration of methamphetamine in 4151
the person's urine of at least five hundred nanograms of 4152
methamphetamine per milliliter of the person's urine or has a 4153
concentration of methamphetamine in the person's whole blood or 4154
blood serum or plasma of at least one hundred nanograms of 4155
methamphetamine per milliliter of the person's whole blood or 4156
blood serum or plasma. 4157

(x) The person has a concentration of phencyclidine in the 4158
person's urine of at least twenty-five nanograms of 4159
phencyclidine per milliliter of the person's urine or has a 4160
concentration of phencyclidine in the person's whole blood or 4161
blood serum or plasma of at least ten nanograms of phencyclidine 4162
per milliliter of the person's whole blood or blood serum or 4163
plasma. 4164

(xi) The state board of pharmacy has adopted a rule 4165
pursuant to section 4729.041 of the Revised Code that specifies 4166
the amount of salvia divinorum and the amount of salvinorin A 4167
that constitute concentrations of salvia divinorum and 4168
salvinorin A in a person's urine, in a person's whole blood, or 4169
in a person's blood serum or plasma at or above which the person 4170
is impaired for purposes of operating any vehicle, streetcar, or 4171
trackless trolley within this state, the rule is in effect, and 4172
the person has a concentration of salvia divinorum or salvinorin 4173

A of at least that amount so specified by rule in the person's 4174
urine, in the person's whole blood, or in the person's blood 4175
serum or plasma. 4176

(2) No person who, within twenty years of the conduct 4177
described in division (A)(2)(a) of this section, previously has 4178
been convicted of or pleaded guilty to a violation of this 4179
division, a violation of division (A)(1) of this section, or any 4180
other equivalent offense shall do both of the following: 4181

(a) Operate any vehicle, streetcar, or trackless trolley 4182
within this state while under the influence of alcohol, a drug 4183
of abuse, or a combination of them; 4184

(b) Subsequent to being arrested for operating the 4185
vehicle, streetcar, or trackless trolley as described in 4186
division (A)(2)(a) of this section, being asked by a law 4187
enforcement officer to submit to a chemical test or tests under 4188
section 4511.191 of the Revised Code, and being advised by the 4189
officer in accordance with section 4511.192 of the Revised Code 4190
of the consequences of the person's refusal or submission to the 4191
test or tests, refuse to submit to the test or tests. 4192

(B) No person under twenty-one years of age shall operate 4193
any vehicle, streetcar, or trackless trolley within this state, 4194
if, at the time of the operation, any of the following apply: 4195

(1) The person has a concentration of at least two- 4196
hundredths of one per cent but less than eight-hundredths of one 4197
per cent by weight per unit volume of alcohol in the person's 4198
whole blood. 4199

(2) The person has a concentration of at least three- 4200
hundredths of one per cent but less than ninety-six-thousandths 4201
of one per cent by weight per unit volume of alcohol in the 4202

person's blood serum or plasma. 4203

(3) The person has a concentration of at least two- 4204
hundredths of one gram but less than eight-hundredths of one 4205
gram by weight of alcohol per two hundred ten liters of the 4206
person's breath. 4207

(4) The person has a concentration of at least twenty- 4208
eight one-thousandths of one gram but less than eleven- 4209
hundredths of one gram by weight of alcohol per one hundred 4210
milliliters of the person's urine. 4211

(C) In any proceeding arising out of one incident, a 4212
person may be charged with a violation of division (A) (1) (a) or 4213
(A) (2) and a violation of division (B) (1), (2), or (3) of this 4214
section, but the person may not be convicted of more than one 4215
violation of these divisions. 4216

(D) (1) (a) In any criminal prosecution or juvenile court 4217
proceeding for a violation of division (A) (1) (a) of this section 4218
or for an equivalent offense that is vehicle-related, the result 4219
of any test of any blood or urine withdrawn and analyzed at any 4220
health care provider, as defined in section 2317.02 of the 4221
Revised Code, may be admitted with expert testimony to be 4222
considered with any other relevant and competent evidence in 4223
determining the guilt or innocence of the defendant. 4224

(b) In any criminal prosecution or juvenile court 4225
proceeding for a violation of division (A) or (B) of this 4226
section or for an equivalent offense that is vehicle-related, 4227
the court may admit evidence on the concentration of alcohol, 4228
drugs of abuse, controlled substances, metabolites of a 4229
controlled substance, or a combination of them in the 4230
defendant's whole blood, blood serum or plasma, breath, urine, 4231

or other bodily substance at the time of the alleged violation 4232
as shown by chemical analysis of the substance withdrawn within 4233
three hours of the time of the alleged violation. The three-hour 4234
time limit specified in this division regarding the admission of 4235
evidence does not extend or affect the two-hour time limit 4236
specified in division (A) of section 4511.192 of the Revised 4237
Code as the maximum period of time during which a person may 4238
consent to a chemical test or tests as described in that 4239
section. The court may admit evidence on the concentration of 4240
alcohol, drugs of abuse, or a combination of them as described 4241
in this division when a person submits to a blood, breath, 4242
urine, or other bodily substance test at the request of a law 4243
enforcement officer under section 4511.191 of the Revised Code 4244
or a blood or urine sample is obtained pursuant to a search 4245
warrant. Only a physician, a registered nurse, an emergency 4246
medical technician-intermediate, an emergency medical 4247
technician-paramedic, or a qualified technician, chemist, or 4248
phlebotomist shall withdraw a blood sample for the purpose of 4249
determining the alcohol, drug, controlled substance, metabolite 4250
of a controlled substance, or combination content of the whole 4251
blood, blood serum, or blood plasma. This limitation does not 4252
apply to the taking of breath or urine specimens. A person 4253
authorized to withdraw blood under this division may refuse to 4254
withdraw blood under this division, if in that person's opinion, 4255
the physical welfare of the person would be endangered by the 4256
withdrawing of blood. 4257

The bodily substance withdrawn under division (D) (1) (b) of 4258
this section shall be analyzed in accordance with methods 4259
approved by the director of health by an individual possessing a 4260
valid permit issued by the director pursuant to section 3701.143 4261
of the Revised Code. 4262

(c) As used in division (D) (1) (b) of this section, 4263
"emergency medical technician-intermediate" and "emergency 4264
medical technician-paramedic" have the same meanings as in 4265
section 4765.01 of the Revised Code. 4266

(2) In a criminal prosecution or juvenile court proceeding 4267
for a violation of division (A) of this section or for an 4268
equivalent offense that is vehicle-related, if there was at the 4269
time the bodily substance was withdrawn a concentration of less 4270
than the applicable concentration of alcohol specified in 4271
divisions (A) (1) (b), (c), (d), and (e) of this section or less 4272
than the applicable concentration of a listed controlled 4273
substance or a listed metabolite of a controlled substance 4274
specified for a violation of division (A) (1) (j) of this section, 4275
that fact may be considered with other competent evidence in 4276
determining the guilt or innocence of the defendant. This 4277
division does not limit or affect a criminal prosecution or 4278
juvenile court proceeding for a violation of division (B) of 4279
this section or for an equivalent offense that is substantially 4280
equivalent to that division. 4281

(3) Upon the request of the person who was tested, the 4282
results of the chemical test shall be made available to the 4283
person or the person's attorney, immediately upon the completion 4284
of the chemical test analysis. 4285

If the chemical test was obtained pursuant to division (D) 4286
(1) (b) of this section, the person tested may have a physician, 4287
a registered nurse, or a qualified technician, chemist, or 4288
phlebotomist of the person's own choosing administer a chemical 4289
test or tests, at the person's expense, in addition to any 4290
administered at the request of a law enforcement officer. If the 4291
person was under arrest as described in division (A) (5) of 4292

section 4511.191 of the Revised Code, the arresting officer 4293
shall advise the person at the time of the arrest that the 4294
person may have an independent chemical test taken at the 4295
person's own expense. If the person was under arrest other than 4296
described in division (A) (5) of section 4511.191 of the Revised 4297
Code, the form to be read to the person to be tested, as 4298
required under section 4511.192 of the Revised Code, shall state 4299
that the person may have an independent test performed at the 4300
person's expense. The failure or inability to obtain an 4301
additional chemical test by a person shall not preclude the 4302
admission of evidence relating to the chemical test or tests 4303
taken at the request of a law enforcement officer. 4304

(4) (a) As used in divisions (D) (4) (b) and (c) of this 4305
section, "national highway traffic safety administration" means 4306
the national highway traffic safety administration established 4307
as an administration of the United States department of 4308
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 4309

(b) In any criminal prosecution or juvenile court 4310
proceeding for a violation of division (A) or (B) of this 4311
section, of a municipal ordinance relating to operating a 4312
vehicle while under the influence of alcohol, a drug of abuse, 4313
or alcohol and a drug of abuse, or of a municipal ordinance 4314
relating to operating a vehicle with a prohibited concentration 4315
of alcohol, a controlled substance, or a metabolite of a 4316
controlled substance in the whole blood, blood serum or plasma, 4317
breath, or urine, if a law enforcement officer has administered 4318
a field sobriety test to the operator of the vehicle involved in 4319
the violation and if it is shown by clear and convincing 4320
evidence that the officer administered the test in substantial 4321
compliance with the testing standards for any reliable, 4322
credible, and generally accepted field sobriety tests that were 4323

in effect at the time the tests were administered, including, 4324
but not limited to, any testing standards then in effect that 4325
were set by the national highway traffic safety administration, 4326
all of the following apply: 4327

(i) The officer may testify concerning the results of the 4328
field sobriety test so administered. 4329

(ii) The prosecution may introduce the results of the 4330
field sobriety test so administered as evidence in any 4331
proceedings in the criminal prosecution or juvenile court 4332
proceeding. 4333

(iii) If testimony is presented or evidence is introduced 4334
under division (D) (4) (b) (i) or (ii) of this section and if the 4335
testimony or evidence is admissible under the Rules of Evidence, 4336
the court shall admit the testimony or evidence and the trier of 4337
fact shall give it whatever weight the trier of fact considers 4338
to be appropriate. 4339

(c) Division (D) (4) (b) of this section does not limit or 4340
preclude a court, in its determination of whether the arrest of 4341
a person was supported by probable cause or its determination of 4342
any other matter in a criminal prosecution or juvenile court 4343
proceeding of a type described in that division, from 4344
considering evidence or testimony that is not otherwise 4345
disallowed by division (D) (4) (b) of this section. 4346

(E) (1) Subject to division (E) (3) of this section, in any 4347
criminal prosecution or juvenile court proceeding for a 4348
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 4349
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 4350
an equivalent offense that is substantially equivalent to any of 4351
those divisions, a laboratory report from any laboratory 4352

personnel issued a permit by the department of health 4353
authorizing an analysis as described in this division that 4354
contains an analysis of the whole blood, blood serum or plasma, 4355
breath, urine, or other bodily substance tested and that 4356
contains all of the information specified in this division shall 4357
be admitted as prima-facie evidence of the information and 4358
statements that the report contains. The laboratory report shall 4359
contain all of the following: 4360

(a) The signature, under oath, of any person who performed 4361
the analysis; 4362

(b) Any findings as to the identity and quantity of 4363
alcohol, a drug of abuse, a controlled substance, a metabolite 4364
of a controlled substance, or a combination of them that was 4365
found; 4366

(c) A copy of a notarized statement by the laboratory 4367
director or a designee of the director that contains the name of 4368
each certified analyst or test performer involved with the 4369
report, the analyst's or test performer's employment 4370
relationship with the laboratory that issued the report, and a 4371
notation that performing an analysis of the type involved is 4372
part of the analyst's or test performer's regular duties; 4373

(d) An outline of the analyst's or test performer's 4374
education, training, and experience in performing the type of 4375
analysis involved and a certification that the laboratory 4376
satisfies appropriate quality control standards in general and, 4377
in this particular analysis, under rules of the department of 4378
health. 4379

(2) Notwithstanding any other provision of law regarding 4380
the admission of evidence, a report of the type described in 4381

division (E) (1) of this section is not admissible against the 4382
defendant to whom it pertains in any proceeding, other than a 4383
preliminary hearing or a grand jury proceeding, unless the 4384
prosecutor has served a copy of the report on the defendant's 4385
attorney or, if the defendant has no attorney, on the defendant. 4386

(3) A report of the type described in division (E) (1) of 4387
this section shall not be prima-facie evidence of the contents, 4388
identity, or amount of any substance if, within seven days after 4389
the defendant to whom the report pertains or the defendant's 4390
attorney receives a copy of the report, the defendant or the 4391
defendant's attorney demands the testimony of the person who 4392
signed the report. The judge in the case may extend the seven- 4393
day time limit in the interest of justice. 4394

(F) Except as otherwise provided in this division, any 4395
physician, registered nurse, emergency medical technician- 4396
intermediate, emergency medical technician-paramedic, or 4397
qualified technician, chemist, or phlebotomist who withdraws 4398
blood from a person pursuant to this section or section 4511.191 4399
or 4511.192 of the Revised Code, and any hospital, first-aid 4400
station, or clinic at which blood is withdrawn from a person 4401
pursuant to this section or section 4511.191 or 4511.192 of the 4402
Revised Code, is immune from criminal liability and civil 4403
liability based upon a claim of assault and battery or any other 4404
claim that is not a claim of malpractice, for any act performed 4405
in withdrawing blood from the person. The immunity provided in 4406
this division also extends to an emergency medical service 4407
organization that employs an emergency medical technician- 4408
intermediate or emergency medical technician-paramedic who 4409
withdraws blood under this section. The immunity provided in 4410
this division is not available to a person who withdraws blood 4411
if the person engages in willful or wanton misconduct. 4412

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' 4443
intervention program certified under section 5119.38 of the 4444
Revised Code. The court also may suspend the execution of any 4445
part of the three-day jail term under this division if it places 4446
the offender under a community control sanction pursuant to 4447
section 2929.25 of the Revised Code for part of the three days, 4448
requires the offender to attend for the suspended part of the 4449
term a drivers' intervention program so certified, and sentences 4450
the offender to a jail term equal to the remainder of the three 4451
consecutive days that the offender does not spend attending the 4452
program. The court may require the offender, as a condition of 4453
community control and in addition to the required attendance at 4454
a drivers' intervention program, to attend and satisfactorily 4455
complete any treatment or education programs that comply with 4456
the minimum standards adopted pursuant to Chapter 5119. of the 4457
Revised Code by the director of mental health and addiction 4458
services that the operators of the drivers' intervention program 4459
determine that the offender should attend and to report 4460
periodically to the court on the offender's progress in the 4461
programs. The court also may impose on the offender any other 4462
conditions of community control that it considers necessary. 4463

If the court grants unlimited driving privileges to a 4464
first-time offender under section 4510.022 of the Revised Code, 4465
all penalties imposed upon the offender by the court under 4466
division (G)(1)(a)(i) of this section for the offense apply, 4467
except that the court shall suspend any mandatory or additional 4468
jail term imposed by the court under division (G)(1)(a)(i) of 4469
this section upon granting unlimited driving privileges in 4470
accordance with section 4510.022 of the Revised Code. 4471

(ii) If the sentence is being imposed for a violation of 4472
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4473

section, except as otherwise provided in this division, a 4474
mandatory jail term of at least three consecutive days and a 4475
requirement that the offender attend, for three consecutive 4476
days, a drivers' intervention program that is certified pursuant 4477
to section 5119.38 of the Revised Code. As used in this 4478
division, three consecutive days means seventy-two consecutive 4479
hours. If the court determines that the offender is not 4480
conducive to treatment in a drivers' intervention program, if 4481
the offender refuses to attend a drivers' intervention program, 4482
or if the jail at which the offender is to serve the jail term 4483
imposed can provide a driver's intervention program, the court 4484
shall sentence the offender to a mandatory jail term of at least 4485
six consecutive days. 4486

If the court grants unlimited driving privileges to a 4487
first-time offender under section 4510.022 of the Revised Code, 4488
all penalties imposed upon the offender by the court under 4489
division (G) (1) (a) (ii) of this section for the offense apply, 4490
except that the court shall suspend any mandatory or additional 4491
jail term imposed by the court under division (G) (1) (a) (ii) of 4492
this section upon granting unlimited driving privileges in 4493
accordance with section 4510.022 of the Revised Code. 4494

The court may require the offender, under a community 4495
control sanction imposed under section 2929.25 of the Revised 4496
Code, to attend and satisfactorily complete any treatment or 4497
education programs that comply with the minimum standards 4498
adopted pursuant to Chapter 5119. of the Revised Code by the 4499
director of mental health and addiction services, in addition to 4500
the required attendance at drivers' intervention program, that 4501
the operators of the drivers' intervention program determine 4502
that the offender should attend and to report periodically to 4503
the court on the offender's progress in the programs. The court 4504

also may impose any other conditions of community control on the 4505
offender that it considers necessary. 4506

(iii) In all cases, a fine of not less than ~~three~~ seven 4507
hundred ~~seventy-five~~ fifty and not more than one thousand 4508
seventy-five dollars; 4509

(iv) In all cases, a suspension of the offender's driver's 4510
or commercial driver's license or permit or nonresident 4511
operating privilege for a definite period of one to three years. 4512
The court may grant limited driving privileges relative to the 4513
suspension under sections 4510.021 and 4510.13 of the Revised 4514
Code. The court may grant unlimited driving privileges with an 4515
ignition interlock device relative to the suspension and may 4516
reduce the period of suspension as authorized under section 4517
4510.022 of the Revised Code. 4518

(b) Except as otherwise provided in division (G) (1) (e) of 4519
this section, an offender who, within ~~ten~~ twenty years of the 4520
offense, previously has been convicted of or pleaded guilty to 4521
one violation of division (A) of this section or one other 4522
equivalent offense is guilty of a misdemeanor of the first 4523
degree. The court shall sentence the offender to all of the 4524
following: 4525

(i) If the sentence is being imposed for a violation of 4526
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4527
a mandatory jail term of ten consecutive days. The court shall 4528
impose the ten-day mandatory jail term under this division 4529
unless, subject to division (G) (3) of this section, it instead 4530
imposes a sentence under that division consisting of both a jail 4531
term and a term of house arrest with electronic monitoring, with 4532
continuous alcohol monitoring, or with both electronic 4533
monitoring and continuous alcohol monitoring. The court may 4534

impose a jail term in addition to the ten-day mandatory jail 4535
term. The cumulative jail term imposed for the offense shall not 4536
exceed six months. 4537

In addition to the jail term or the term of house arrest 4538
with electronic monitoring or continuous alcohol monitoring or 4539
both types of monitoring and jail term, the court shall require 4540
the offender to be assessed by a community addiction services 4541
provider that is authorized by section 5119.21 of the Revised 4542
Code, subject to division (I) of this section, and shall order 4543
the offender to follow the treatment recommendations of the 4544
services provider. The purpose of the assessment is to determine 4545
the degree of the offender's alcohol usage and to determine 4546
whether or not treatment is warranted. Upon the request of the 4547
court, the services provider shall submit the results of the 4548
assessment to the court, including all treatment recommendations 4549
and clinical diagnoses related to alcohol use. 4550

(ii) If the sentence is being imposed for a violation of 4551
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4552
section, except as otherwise provided in this division, a 4553
mandatory jail term of twenty consecutive days. The court shall 4554
impose the twenty-day mandatory jail term under this division 4555
unless, subject to division (G)(3) of this section, it instead 4556
imposes a sentence under that division consisting of both a jail 4557
term and a term of house arrest with electronic monitoring, with 4558
continuous alcohol monitoring, or with both electronic 4559
monitoring and continuous alcohol monitoring. The court may 4560
impose a jail term in addition to the twenty-day mandatory jail 4561
term. The cumulative jail term imposed for the offense shall not 4562
exceed six months. 4563

In addition to the jail term or the term of house arrest 4564

with electronic monitoring or continuous alcohol monitoring or 4565
both types of monitoring and jail term, the court shall require 4566
the offender to be assessed by a community addiction service 4567
provider that is authorized by section 5119.21 of the Revised 4568
Code, subject to division (I) of this section, and shall order 4569
the offender to follow the treatment recommendations of the 4570
services provider. The purpose of the assessment is to determine 4571
the degree of the offender's alcohol usage and to determine 4572
whether or not treatment is warranted. Upon the request of the 4573
court, the services provider shall submit the results of the 4574
assessment to the court, including all treatment recommendations 4575
and clinical diagnoses related to alcohol use. 4576

(iii) In all cases, notwithstanding the fines set forth in 4577
Chapter 2929. of the Revised Code, a fine of not less than ~~five-~~ 4578
nine hundred ~~twenty-five~~ and not more than one thousand six 4579
hundred twenty-five dollars; 4580

(iv) In all cases, a suspension of the offender's driver's 4581
license, commercial driver's license, temporary instruction 4582
permit, probationary license, or nonresident operating privilege 4583
for a definite period of one to seven years. The court may grant 4584
limited driving privileges relative to the suspension under 4585
sections 4510.021 and 4510.13 of the Revised Code. 4586

(v) In all cases, if the vehicle is registered in the 4587
offender's name, immobilization of the vehicle involved in the 4588
offense for ninety days in accordance with section 4503.233 of 4589
the Revised Code and impoundment of the license plates of that 4590
vehicle for ninety days. 4591

(c) Except as otherwise provided in division (G)(1)(e) of 4592
this section, an offender who, within ~~ten~~ twenty years of the 4593
offense, previously has been convicted of or pleaded guilty to 4594

two violations of division (A) of this section or other 4595
equivalent offenses is guilty of a misdemeanor. The court shall 4596
sentence the offender to all of the following: 4597

(i) If the sentence is being imposed for a violation of 4598
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 4599
a mandatory jail term of thirty consecutive days. The court 4600
shall impose the thirty-day mandatory jail term under this 4601
division unless, subject to division (G)(3) of this section, it 4602
instead imposes a sentence under that division consisting of 4603
both a jail term and a term of house arrest with electronic 4604
monitoring, with continuous alcohol monitoring, or with both 4605
electronic monitoring and continuous alcohol monitoring. The 4606
court may impose a jail term in addition to the thirty-day 4607
mandatory jail term. Notwithstanding the jail terms set forth in 4608
sections 2929.21 to 2929.28 of the Revised Code, the additional 4609
jail term shall not exceed one year, and the cumulative jail 4610
term imposed for the offense shall not exceed one year. 4611

(ii) If the sentence is being imposed for a violation of 4612
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4613
section, a mandatory jail term of sixty consecutive days. The 4614
court shall impose the sixty-day mandatory jail term under this 4615
division unless, subject to division (G)(3) of this section, it 4616
instead imposes a sentence under that division consisting of 4617
both a jail term and a term of house arrest with electronic 4618
monitoring, with continuous alcohol monitoring, or with both 4619
electronic monitoring and continuous alcohol monitoring. The 4620
court may impose a jail term in addition to the sixty-day 4621
mandatory jail term. Notwithstanding the jail terms set forth in 4622
sections 2929.21 to 2929.28 of the Revised Code, the additional 4623
jail term shall not exceed one year, and the cumulative jail 4624
term imposed for the offense shall not exceed one year. 4625

(iii) In all cases, notwithstanding the fines set forth in 4626
Chapter 2929. of the Revised Code, a fine of not less than ~~eight~~ 4627
~~hundred fifty one thousand two hundred twenty-five~~ and not more 4628
than two thousand seven hundred fifty dollars; 4629

(iv) In all cases, a suspension of the offender's driver's 4630
license, commercial driver's license, temporary instruction 4631
permit, probationary license, or nonresident operating privilege 4632
for a definite period of two to twelve years. The court may 4633
grant limited driving privileges relative to the suspension 4634
under sections 4510.021 and 4510.13 of the Revised Code. 4635

(v) In all cases, if the vehicle is registered in the 4636
offender's name, criminal forfeiture of the vehicle involved in 4637
the offense in accordance with section 4503.234 of the Revised 4638
Code. Division (G) (6) of this section applies regarding any 4639
vehicle that is subject to an order of criminal forfeiture under 4640
this division. 4641

(vi) In all cases, the court shall order the offender to 4642
participate with a community addiction services provider 4643
authorized by section 5119.21 of the Revised Code, subject to 4644
division (I) of this section, and shall order the offender to 4645
follow the treatment recommendations of the services provider. 4646
The operator of the services provider shall determine and assess 4647
the degree of the offender's alcohol dependency and shall make 4648
recommendations for treatment. Upon the request of the court, 4649
the services provider shall submit the results of the assessment 4650
to the court, including all treatment recommendations and 4651
clinical diagnoses related to alcohol use. 4652

(vii) In all cases, the court shall order the offender to 4653
a term of continuous alcohol monitoring for one hundred eighty 4654
days. The continuous alcohol monitoring term may be served 4655

concurrently with any term of house arrest ordered by the court, 4656
provided the term of house arrest includes continuous alcohol 4657
monitoring. The court shall prohibit the offender from 4658
exercising any limited driving privileges until the offender 4659
serves a complete one hundred eighty days without consuming any 4660
beer or intoxicating liquor. 4661

(d) Except as otherwise provided in division (G) (1) (e) of 4662
this section, an offender who, within ~~ten~~ twenty years of the 4663
offense, previously has been convicted of or pleaded guilty to 4664
three or ~~four~~ more violations of division (A) of this section or 4665
other equivalent offenses, ~~an offender who, within twenty years~~ 4666
~~of the offense, previously has been convicted of or pleaded~~ 4667
~~guilty to five or more violations of that nature, or an offender~~ 4668
who previously has been convicted of or pleaded guilty to a 4669
specification of the type described in section 2941.1413 of the 4670
Revised Code, is guilty of a felony of the fourth degree. The 4671
court shall sentence the offender to all of the following: 4672

(i) If the sentence is being imposed for a violation of 4673
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4674
a mandatory prison term of one, two, three, four, or five years 4675
as required by and in accordance with division (G) (2) of section 4676
2929.13 of the Revised Code if the offender also is convicted of 4677
or also pleads guilty to a specification of the type described 4678
in section 2941.1413 of the Revised Code or, in the discretion 4679
of the court, either a mandatory term of local incarceration of 4680
sixty consecutive days in accordance with division (G) (1) of 4681
section 2929.13 of the Revised Code or a mandatory prison term 4682
of sixty consecutive days in accordance with division (G) (2) of 4683
that section if the offender is not convicted of and does not 4684
plead guilty to a specification of that type. If the court 4685
imposes a mandatory term of local incarceration, it may impose a 4686

jail term in addition to the sixty-day mandatory term, the 4687
cumulative total of the mandatory term and the jail term for the 4688
offense shall not exceed one year, and, except as provided in 4689
division (A) (1) of section 2929.13 of the Revised Code, no 4690
prison term is authorized for the offense. If the court imposes 4691
a mandatory prison term, notwithstanding division (A) (4) of 4692
section 2929.14 of the Revised Code, it also may sentence the 4693
offender to a definite prison term that shall be not less than 4694
six months and not more than thirty months and the prison terms 4695
shall be imposed as described in division (G) (2) of section 4696
2929.13 of the Revised Code. If the court imposes a mandatory 4697
prison term or mandatory prison term and additional prison term, 4698
in addition to the term or terms so imposed, the court also may 4699
sentence the offender to a community control sanction for the 4700
offense, but the offender shall serve all of the prison terms so 4701
imposed prior to serving the community control sanction. 4702

(ii) If the sentence is being imposed for a violation of 4703
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 4704
section, a mandatory prison term of one, two, three, four, or 4705
five years as required by and in accordance with division (G) (2) 4706
of section 2929.13 of the Revised Code if the offender also is 4707
convicted of or also pleads guilty to a specification of the 4708
type described in section 2941.1413 of the Revised Code or, in 4709
the discretion of the court, either a mandatory term of local 4710
incarceration of one hundred twenty consecutive days in 4711
accordance with division (G) (1) of section 2929.13 of the 4712
Revised Code or a mandatory prison term of one hundred twenty 4713
consecutive days in accordance with division (G) (2) of that 4714
section if the offender is not convicted of and does not plead 4715
guilty to a specification of that type. If the court imposes a 4716
mandatory term of local incarceration, it may impose a jail term 4717

in addition to the one hundred twenty-day mandatory term, the 4718
cumulative total of the mandatory term and the jail term for the 4719
offense shall not exceed one year, and, except as provided in 4720
division (A) (1) of section 2929.13 of the Revised Code, no 4721
prison term is authorized for the offense. If the court imposes 4722
a mandatory prison term, notwithstanding division (A) (4) of 4723
section 2929.14 of the Revised Code, it also may sentence the 4724
offender to a definite prison term that shall be not less than 4725
six months and not more than thirty months and the prison terms 4726
shall be imposed as described in division (G) (2) of section 4727
2929.13 of the Revised Code. If the court imposes a mandatory 4728
prison term or mandatory prison term and additional prison term, 4729
in addition to the term or terms so imposed, the court also may 4730
sentence the offender to a community control sanction for the 4731
offense, but the offender shall serve all of the prison terms so 4732
imposed prior to serving the community control sanction. 4733

(iii) In all cases, notwithstanding section 2929.18 of the 4734
Revised Code, a fine of not less than one thousand ~~three-seven~~ 4735
hundred ~~fifty-twenty-five~~ nor more than ten thousand five 4736
hundred dollars; 4737

(iv) In all cases, a class two license suspension of the 4738
offender's driver's license, commercial driver's license, 4739
temporary instruction permit, probationary license, or 4740
nonresident operating privilege from the range specified in 4741
division (A) (2) of section 4510.02 of the Revised Code. The 4742
court may grant limited driving privileges relative to the 4743
suspension under sections 4510.021 and 4510.13 of the Revised 4744
Code. 4745

(v) In all cases, if the vehicle is registered in the 4746
offender's name, criminal forfeiture of the vehicle involved in 4747

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.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

(viii) In all cases, the court shall order the offender to a term of continuous alcohol monitoring for one hundred eighty days. The court shall prohibit the offender from exercising any limited driving privileges until the offender serves a complete one hundred eighty days without consuming any beer or intoxicating liquor.

(e) An offender who previously has been convicted of or pleaded guilty to a violation of division (A) of this section that was a felony, regardless of when the violation and the

conviction or guilty plea occurred, is guilty of a felony of the 4778
third degree. The court shall sentence the offender to all of 4779
the following: 4780

(i) If the offender is being sentenced for a violation of 4781
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 4782
a mandatory prison term of one, two, three, four, or five years 4783
as required by and in accordance with division (G)(2) of section 4784
2929.13 of the Revised Code if the offender also is convicted of 4785
or also pleads guilty to a specification of the type described 4786
in section 2941.1413 of the Revised Code or a mandatory prison 4787
term of sixty consecutive days in accordance with division (G) 4788
(2) of section 2929.13 of the Revised Code if the offender is 4789
not convicted of and does not plead guilty to a specification of 4790
that type. The court may impose a prison term in addition to the 4791
mandatory prison term. The cumulative total of a sixty-day 4792
mandatory prison term and the additional prison term for the 4793
offense shall not exceed five years. In addition to the 4794
mandatory prison term or mandatory prison term and additional 4795
prison term the court imposes, the court also may sentence the 4796
offender to a community control sanction for the offense, but 4797
the offender shall serve all of the prison terms so imposed 4798
prior to serving the community control sanction. 4799

(ii) If the sentence is being imposed for a violation of 4800
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4801
section, a mandatory prison term of one, two, three, four, or 4802
five years as required by and in accordance with division (G)(2) 4803
of section 2929.13 of the Revised Code if the offender also is 4804
convicted of or also pleads guilty to a specification of the 4805
type described in section 2941.1413 of the Revised Code or a 4806
mandatory prison term of one hundred twenty consecutive days in 4807
accordance with division (G)(2) of section 2929.13 of the 4808

Revised Code if the offender is not convicted of and does not 4809
plead guilty to a specification of that type. The court may 4810
impose a prison term in addition to the mandatory prison term. 4811
The cumulative total of a one hundred twenty-day mandatory 4812
prison term and the additional prison term for the offense shall 4813
not exceed five years. In addition to the mandatory prison term 4814
or mandatory prison term and additional prison term the court 4815
imposes, the court also may sentence the offender to a community 4816
control sanction for the offense, but the offender shall serve 4817
all of the prison terms so imposed prior to serving the 4818
community control sanction. 4819

(iii) In all cases, notwithstanding section 2929.18 of the 4820
Revised Code, a fine of not less than one thousand ~~three-seven~~ 4821
hundred ~~fifty-twenty-five~~ nor more than ten thousand five 4822
hundred dollars; 4823

(iv) In all cases, a class two license suspension of the 4824
offender's driver's license, commercial driver's license, 4825
temporary instruction permit, probationary license, or 4826
nonresident operating privilege from the range specified in 4827
division (A)(2) of section 4510.02 of the Revised Code. The 4828
court may grant limited driving privileges relative to the 4829
suspension under sections 4510.021 and 4510.13 of the Revised 4830
Code. 4831

(v) In all cases, if the vehicle is registered in the 4832
offender's name, criminal forfeiture of the vehicle involved in 4833
the offense in accordance with section 4503.234 of the Revised 4834
Code. Division (G)(6) of this section applies regarding any 4835
vehicle that is subject to an order of criminal forfeiture under 4836
this division. 4837

(vi) In all cases, the court shall order the offender to 4838

participate with a community addiction services provider 4839
authorized by section 5119.21 of the Revised Code, subject to 4840
division (I) of this section, and shall order the offender to 4841
follow the treatment recommendations of the services provider. 4842
The operator of the services provider shall determine and assess 4843
the degree of the offender's alcohol dependency and shall make 4844
recommendations for treatment. Upon the request of the court, 4845
the services provider shall submit the results of the assessment 4846
to the court, including all treatment recommendations and 4847
clinical diagnoses related to alcohol use. 4848

(vii) In all cases, the court shall order the offender to 4849
a term of continuous alcohol monitoring for one hundred eighty 4850
days. The court shall prohibit the offender from exercising any 4851
limited driving privileges until the offender serves a complete 4852
one hundred eighty days without consuming any beer or 4853
intoxicating liquor. 4854

(2) An offender who is convicted of or pleads guilty to a 4855
violation of division (A) of this section and who subsequently 4856
seeks reinstatement of the driver's or occupational driver's 4857
license or permit or nonresident operating privilege suspended 4858
under this section as a result of the conviction or guilty plea 4859
shall pay a reinstatement fee as provided in division (F) (2) of 4860
section 4511.191 of the Revised Code. 4861

(3) If an offender is sentenced to a jail term under 4862
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 4863
section and if, within sixty days of sentencing of the offender, 4864
the court issues a written finding on the record that, due to 4865
the unavailability of space at the jail where the offender is 4866
required to serve the term, the offender will not be able to 4867
begin serving that term within the sixty-day period following 4868

the date of sentencing, the court may impose an alternative 4869
sentence under this division that includes a term of house 4870
arrest with electronic monitoring, with continuous alcohol 4871
monitoring, or with both electronic monitoring and continuous 4872
alcohol monitoring. 4873

As an alternative to a mandatory jail term of ten 4874
consecutive days required by division (G) (1) (b) (i) of this 4875
section, the court, under this division, may sentence the 4876
offender to five consecutive days in jail and not less than 4877
eighteen consecutive days of house arrest with electronic 4878
monitoring, with continuous alcohol monitoring, or with both 4879
electronic monitoring and continuous alcohol monitoring. The 4880
cumulative total of the five consecutive days in jail and the 4881
period of house arrest with electronic monitoring, continuous 4882
alcohol monitoring, or both types of monitoring shall not exceed 4883
six months. The five consecutive days in jail do not have to be 4884
served prior to or consecutively to the period of house arrest. 4885

As an alternative to the mandatory jail term of twenty 4886
consecutive days required by division (G) (1) (b) (ii) of this 4887
section, the court, under this division, may sentence the 4888
offender to ten consecutive days in jail and not less than 4889
thirty-six consecutive days of house arrest with electronic 4890
monitoring, with continuous alcohol monitoring, or with both 4891
electronic monitoring and continuous alcohol monitoring. The 4892
cumulative total of the ten consecutive days in jail and the 4893
period of house arrest with electronic monitoring, continuous 4894
alcohol monitoring, or both types of monitoring shall not exceed 4895
six months. The ten consecutive days in jail do not have to be 4896
served prior to or consecutively to the period of house arrest. 4897

As an alternative to a mandatory jail term of thirty 4898

consecutive days required by division (G) (1) (c) (i) of this 4899
section, the court, under this division, may sentence the 4900
offender to fifteen consecutive days in jail and not less than 4901
~~fifty-five~~ one hundred eighty consecutive days of house arrest 4902
with electronic monitoring, with continuous alcohol monitoring, 4903
or with both electronic monitoring and continuous alcohol 4904
monitoring. The cumulative total of the fifteen consecutive days 4905
in jail and the period of house arrest with electronic 4906
monitoring, continuous alcohol monitoring, or both types of 4907
monitoring shall not exceed one year. The fifteen consecutive 4908
days in jail do not have to be served prior to or consecutively 4909
to the period of house arrest. 4910

As an alternative to the mandatory jail term of sixty 4911
consecutive days required by division (G) (1) (c) (ii) of this 4912
section, the court, under this division, may sentence the 4913
offender to thirty consecutive days in jail and not less than 4914
one hundred ~~ten~~ eighty consecutive days of house arrest with 4915
electronic monitoring, with continuous alcohol monitoring, or 4916
with both electronic monitoring and continuous alcohol 4917
monitoring. The cumulative total of the thirty consecutive days 4918
in jail and the period of house arrest with electronic 4919
monitoring, continuous alcohol monitoring, or both types of 4920
monitoring shall not exceed one year. The thirty consecutive 4921
days in jail do not have to be served prior to or consecutively 4922
to the period of house arrest. 4923

(4) If an offender's driver's or occupational driver's 4924
license or permit or nonresident operating privilege is 4925
suspended under division (G) of this section and if section 4926
4510.13 of the Revised Code permits the court to grant limited 4927
driving privileges, the court may grant the limited driving 4928
privileges in accordance with that section. If division (A) (7) 4929

of that section requires that the court impose as a condition of 4930
the privileges that the offender must display on the vehicle 4931
that is driven subject to the privileges restricted license 4932
plates that are issued under section 4503.231 of the Revised 4933
Code, except as provided in division (B) of that section, the 4934
court shall impose that condition as one of the conditions of 4935
the limited driving privileges granted to the offender, except 4936
as provided in division (B) of section 4503.231 of the Revised 4937
Code. 4938

(5) Fines imposed under this section for a violation of 4939
division (A) of this section shall be distributed as follows: 4940

(a) Twenty-five dollars of the fine imposed under division 4941
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 4942
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 4943
fine imposed under division (G) (1) (c) (iii), and two hundred ten 4944
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 4945
(iii) of this section shall be paid to an enforcement and 4946
education fund established by the legislative authority of the 4947
law enforcement agency in this state that primarily was 4948
responsible for the arrest of the offender, as determined by the 4949
court that imposes the fine. The agency shall use this share to 4950
pay only those costs it incurs in enforcing this section or a 4951
municipal OVI ordinance and in informing the public of the laws 4952
governing the operation of a vehicle while under the influence 4953
of alcohol, the dangers of the operation of a vehicle under the 4954
influence of alcohol, and other information relating to the 4955
operation of a vehicle under the influence of alcohol and the 4956
consumption of alcoholic beverages. 4957

(b) Fifty dollars of the fine imposed under division (G) 4958
(1) (a) (iii) of this section shall be paid to the political 4959

subdivision that pays the cost of housing the offender during 4960
the offender's term of incarceration. If the offender is being 4961
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 4962
(e), or (j) of this section and was confined as a result of the 4963
offense prior to being sentenced for the offense but is not 4964
sentenced to a term of incarceration, the fifty dollars shall be 4965
paid to the political subdivision that paid the cost of housing 4966
the offender during that period of confinement. The political 4967
subdivision shall use the share under this division to pay or 4968
reimburse incarceration or treatment costs it incurs in housing 4969
or providing drug and alcohol treatment to persons who violate 4970
this section or a municipal OVI ordinance, costs of any 4971
immobilizing or disabling device used on the offender's vehicle, 4972
and costs of electronic house arrest equipment needed for 4973
persons who violate this section. 4974

(c) Twenty-five dollars of the fine imposed under division 4975
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 4976
division (G) (1) (b) (iii) of this section shall be deposited into 4977
the county or municipal indigent drivers' alcohol treatment fund 4978
under the control of that court, as created by the county or 4979
municipal corporation under division (F) of section 4511.191 of 4980
the Revised Code. 4981

(d) One hundred fifteen dollars of the fine imposed under 4982
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 4983
the fine imposed under division (G) (1) (c) (iii), and four hundred 4984
forty dollars of the fine imposed under division (G) (1) (d) (iii) 4985
or (e) (iii) of this section shall be paid to the political 4986
subdivision that pays the cost of housing the offender during 4987
the offender's term of incarceration. The political subdivision 4988
shall use this share to pay or reimburse incarceration or 4989
treatment costs it incurs in housing or providing drug and 4990

alcohol treatment to persons who violate this section or a 4991
municipal OVI ordinance, costs for any immobilizing or disabling 4992
device used on the offender's vehicle, and costs of electronic 4993
house arrest equipment needed for persons who violate this 4994
section. 4995

(e) Fifty dollars of the fine imposed under divisions (G) 4996
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 4997
(G) (1) (e) (iii) of this section shall be deposited into the 4998
special projects fund of the court in which the offender was 4999
convicted and that is established under division (E) (1) of 5000
section 2303.201, division (B) (1) of section 1901.26, or 5001
division (B) (1) of section 1907.24 of the Revised Code, to be 5002
used exclusively to cover the cost of immobilizing or disabling 5003
devices, including certified ignition interlock devices, and 5004
remote alcohol monitoring devices for indigent offenders who are 5005
required by a judge to use either of these devices. If the court 5006
in which the offender was convicted does not have a special 5007
projects fund that is established under division (E) (1) of 5008
section 2303.201, division (B) (1) of section 1901.26, or 5009
division (B) (1) of section 1907.24 of the Revised Code, the 5010
fifty dollars shall be deposited into the indigent drivers 5011
interlock and alcohol monitoring fund under division (I) of 5012
section 4511.191 of the Revised Code. 5013

(f) Seventy-five dollars of the fine imposed under 5014
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 5015
fine imposed under division (G) (1) (b) (iii), two hundred fifty 5016
dollars of the fine imposed under division (G) (1) (c) (iii), and 5017
five hundred dollars of the fine imposed under division (G) (1) 5018
(d) (iii) or (e) (iii) of this section shall be transmitted to the 5019
treasurer of state for deposit into the indigent defense support 5020
fund established under section 120.08 of the Revised Code. 5021

(g) Three hundred seventy-five dollars of the fine imposed 5022
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 5023
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 5024
deposited into the indigent drivers interlock and alcohol 5025
monitoring fund established under division (I) of section 5026
4511.191 of the Revised Code. 5027

(h) The balance of the fine imposed under division (G) (1) 5028
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 5029
section shall be disbursed as otherwise provided by law. 5030

(6) If title to a motor vehicle that is subject to an 5031
order of criminal forfeiture under division (G) (1) (c), (d), or 5032
(e) of this section is assigned or transferred and division (B) 5033
(2) or (3) of section 4503.234 of the Revised Code applies, in 5034
addition to or independent of any other penalty established by 5035
law, the court may fine the offender the value of the vehicle as 5036
determined by publications of the national automobile dealers 5037
association. The proceeds of any fine so imposed shall be 5038
distributed in accordance with division (C) (2) of that section. 5039

(7) In all cases in which an offender is sentenced under 5040
division (G) of this section, the offender shall provide the 5041
court with proof of financial responsibility as defined in 5042
section 4509.01 of the Revised Code. If the offender fails to 5043
provide that proof of financial responsibility, the court, in 5044
addition to any other penalties provided by law, may order 5045
restitution pursuant to section 2929.18 or 2929.28 of the 5046
Revised Code in an amount not exceeding five thousand dollars 5047
for any economic loss arising from an accident or collision that 5048
was the direct and proximate result of the offender's operation 5049
of the vehicle before, during, or after committing the offense 5050
for which the offender is sentenced under division (G) of this 5051

section. 5052

(8) A court may order an offender to reimburse a law 5053
enforcement agency for any costs incurred by the agency with 5054
respect to a chemical test or tests administered to the offender 5055
if all of the following apply: 5056

(a) The offender is convicted of or pleads guilty to a 5057
violation of division (A) of this section. 5058

(b) The test or tests were of the offender's whole blood, 5059
blood serum or plasma, or urine. 5060

(c) The test or tests indicated that the offender had a 5061
prohibited concentration of a controlled substance or a 5062
metabolite of a controlled substance in the offender's whole 5063
blood, blood serum or plasma, or urine at the time of the 5064
offense. 5065

(9) A court may warn any person who is convicted of or who 5066
pleads guilty to a violation of division (A) of this section or 5067
an equivalent offense that a subsequent violation of this 5068
section or an equivalent offense that results in the death of 5069
another or the unlawful termination of another's pregnancy may 5070
result in the person being guilty of aggravated vehicular 5071
homicide under section 2903.06 of the Revised Code. The court 5072
may warn the person of the applicable penalties for that 5073
violation under sections 2903.06 and 2929.142 of the Revised 5074
Code. 5075

(10) As used in division (G) of this section, "electronic 5076
monitoring," "mandatory prison term," and "mandatory term of 5077
local incarceration" have the same meanings as in section 5078
2929.01 of the Revised Code. 5079

(H) Whoever violates division (B) of this section is 5080

guilty of operating a vehicle after underage alcohol consumption 5081
and shall be punished as follows: 5082

(1) Except as otherwise provided in division (H) (2) of 5083
this section, the offender is guilty of a misdemeanor of the 5084
fourth degree. In addition to any other sanction imposed for the 5085
offense, the court shall impose a class six suspension of the 5086
offender's driver's license, commercial driver's license, 5087
temporary instruction permit, probationary license, or 5088
nonresident operating privilege from the range specified in 5089
division (A) (6) of section 4510.02 of the Revised Code. The 5090
court may grant limited driving privileges relative to the 5091
suspension under sections 4510.021 and 4510.13 of the Revised 5092
Code. The court may grant unlimited driving privileges with an 5093
ignition interlock device relative to the suspension and may 5094
reduce the period of suspension as authorized under section 5095
4510.022 of the Revised Code. If the court grants unlimited 5096
driving privileges under section 4510.022 of the Revised Code, 5097
the court shall suspend any jail term imposed under division (H) 5098
(1) of this section as required under that section. 5099

(2) If, within one year of the offense, the offender 5100
previously has been convicted of or pleaded guilty to one or 5101
more violations of division (A) of this section or other 5102
equivalent offenses, the offender is guilty of a misdemeanor of 5103
the third degree. In addition to any other sanction imposed for 5104
the offense, the court shall impose a class four suspension of 5105
the offender's driver's license, commercial driver's license, 5106
temporary instruction permit, probationary license, or 5107
nonresident operating privilege from the range specified in 5108
division (A) (4) of section 4510.02 of the Revised Code. The 5109
court may grant limited driving privileges relative to the 5110
suspension under sections 4510.021 and 4510.13 of the Revised 5111

Code. 5112

(3) The offender shall provide the court with proof of 5113
financial responsibility as defined in section 4509.01 of the 5114
Revised Code. If the offender fails to provide that proof of 5115
financial responsibility, then, in addition to any other 5116
penalties provided by law, the court may order restitution 5117
pursuant to section 2929.28 of the Revised Code in an amount not 5118
exceeding five thousand dollars for any economic loss arising 5119
from an accident or collision that was the direct and proximate 5120
result of the offender's operation of the vehicle before, 5121
during, or after committing the violation of division (B) of 5122
this section. 5123

(I) (1) No court shall sentence an offender to an alcohol 5124
treatment program under this section unless the treatment 5125
program complies with the minimum standards for alcohol 5126
treatment programs adopted under Chapter 5119. of the Revised 5127
Code by the director of mental health and addiction services. 5128

(2) An offender who stays in a drivers' intervention 5129
program or in an alcohol treatment program under an order issued 5130
under this section shall pay the cost of the stay in the 5131
program. However, if the court determines that an offender who 5132
stays in an alcohol treatment program under an order issued 5133
under this section is unable to pay the cost of the stay in the 5134
program, the court may order that the cost be paid from the 5135
court's indigent drivers' alcohol treatment fund. 5136

(J) If a person whose driver's or commercial driver's 5137
license or permit or nonresident operating privilege is 5138
suspended under this section files an appeal regarding any 5139
aspect of the person's trial or sentence, the appeal itself does 5140
not stay the operation of the suspension. 5141

(K) Division (A) (1) (j) of this section does not apply to a 5142
person who operates a vehicle, streetcar, or trackless trolley 5143
while the person has a concentration of a listed controlled 5144
substance or a listed metabolite of a controlled substance in 5145
the person's whole blood, blood serum or plasma, or urine that 5146
equals or exceeds the amount specified in that division, if both 5147
of the following apply: 5148

(1) The person obtained the controlled substance pursuant 5149
to a prescription issued by a licensed health professional 5150
authorized to prescribe drugs. 5151

(2) The person injected, ingested, or inhaled the 5152
controlled substance in accordance with the health 5153
professional's directions. 5154

(L) The prohibited concentrations of a controlled 5155
substance or a metabolite of a controlled substance listed in 5156
division (A) (1) (j) of this section also apply in a prosecution 5157
of a violation of division (D) of section 2923.16 of the Revised 5158
Code in the same manner as if the offender is being prosecuted 5159
for a prohibited concentration of alcohol. 5160

(M) All terms defined in section 4510.01 of the Revised 5161
Code apply to this section. If the meaning of a term defined in 5162
section 4510.01 of the Revised Code conflicts with the meaning 5163
of the same term as defined in section 4501.01 or 4511.01 of the 5164
Revised Code, the term as defined in section 4510.01 of the 5165
Revised Code applies to this section. 5166

(N) (1) The Ohio Traffic Rules in effect on January 1, 5167
2004, as adopted by the supreme court under authority of section 5168
2937.46 of the Revised Code, do not apply to felony violations 5169
of this section. Subject to division (N) (2) of this section, the 5170

Rules of Criminal Procedure apply to felony violations of this section. 5171
5172

(2) If, on or after January 1, 2004, the supreme court 5173
modifies the Ohio Traffic Rules to provide procedures to govern 5174
felony violations of this section, the modified rules shall 5175
apply to felony violations of this section. 5176

Sec. 4511.191. (A) (1) As used in this section: 5177

(a) "Physical control" has the same meaning as in section 5178
4511.194 of the Revised Code. 5179

(b) "Alcohol monitoring device" means any device that 5180
provides for continuous alcohol monitoring, any ignition 5181
interlock device, any immobilizing or disabling device other 5182
than an ignition interlock device that is constantly available 5183
to monitor the concentration of alcohol in a person's system, or 5184
any other device that provides for the automatic testing and 5185
periodic reporting of alcohol consumption by a person and that a 5186
court orders a person to use as a sanction imposed as a result 5187
of the person's conviction of or plea of guilty to an offense. 5188

(c) "Community addiction services provider" has the same 5189
meaning as in section 5119.01 of the Revised Code. 5190

(2) Any person who operates a vehicle, streetcar, or 5191
trackless trolley upon a highway or any public or private 5192
property used by the public for vehicular travel or parking 5193
within this state or who is in physical control of a vehicle, 5194
streetcar, or trackless trolley shall be deemed to have given 5195
consent to a chemical test or tests of the person's whole blood, 5196
blood serum or plasma, breath, or urine to determine the 5197
alcohol, drug of abuse, controlled substance, metabolite of a 5198
controlled substance, or combination content of the person's 5199

whole blood, blood serum or plasma, breath, or urine if arrested 5200
for a violation of division (A) or (B) of section 4511.19 of the 5201
Revised Code, section 4511.194 of the Revised Code or a 5202
substantially equivalent municipal ordinance, or a municipal OVI 5203
ordinance. 5204

(3) The chemical test or tests under division (A) (2) of 5205
this section shall be administered at the request of a law 5206
enforcement officer having reasonable grounds to believe the 5207
person was operating or in physical control of a vehicle, 5208
streetcar, or trackless trolley in violation of a division, 5209
section, or ordinance identified in division (A) (2) of this 5210
section. The law enforcement agency by which the officer is 5211
employed shall designate which of the tests shall be 5212
administered. 5213

(4) Any person who is dead or unconscious, or who 5214
otherwise is in a condition rendering the person incapable of 5215
refusal, shall be deemed to have consented as provided in 5216
division (A) (2) of this section, and the test or tests may be 5217
administered, subject to sections 313.12 to 313.16 of the 5218
Revised Code. 5219

(5) (a) If a law enforcement officer arrests a person for a 5220
violation of division (A) or (B) of section 4511.19 of the 5221
Revised Code, section 4511.194 of the Revised Code or a 5222
substantially equivalent municipal ordinance, or a municipal OVI 5223
ordinance and if the person if convicted would be required to be 5224
sentenced under division (G) (1) (c), (d), or (e) of section 5225
4511.19 of the Revised Code, the law enforcement officer shall 5226
request the person to submit, and the person shall submit, to a 5227
chemical test or tests of the person's whole blood, blood serum 5228
or plasma, breath, or urine for the purpose of determining the 5229

alcohol, drug of abuse, controlled substance, metabolite of a 5230
controlled substance, or combination content of the person's 5231
whole blood, blood serum or plasma, breath, or urine. A law 5232
enforcement officer who makes a request pursuant to this 5233
division that a person submit to a chemical test or tests is not 5234
required to advise the person of the consequences of submitting 5235
to, or refusing to submit to, the test or tests and is not 5236
required to give the person the form described in division (B) 5237
of section 4511.192 of the Revised Code, but the officer shall 5238
advise the person at the time of the arrest that if the person 5239
refuses to take a chemical test the officer may employ whatever 5240
reasonable means are necessary to ensure that the person submits 5241
to a chemical test of the person's whole blood or blood serum or 5242
plasma. The officer shall also advise the person at the time of 5243
the arrest that the person may have an independent chemical test 5244
taken at the person's own expense. Divisions (A) (3) and (4) of 5245
this section apply to the administration of a chemical test or 5246
tests pursuant to this division. 5247

(b) If a person refuses to submit to a chemical test upon 5248
a request made pursuant to division (A) (5) (a) of this section, 5249
the law enforcement officer who made the request may employ 5250
whatever reasonable means are necessary to ensure that the 5251
person submits to a chemical test of the person's whole blood or 5252
blood serum or plasma. A law enforcement officer who acts 5253
pursuant to this division to ensure that a person submits to a 5254
chemical test of the person's whole blood or blood serum or 5255
plasma is immune from criminal and civil liability based upon a 5256
claim for assault and battery or any other claim for the acts, 5257
unless the officer so acted with malicious purpose, in bad 5258
faith, or in a wanton or reckless manner. 5259

(B) (1) Upon receipt of the sworn report of a law 5260

enforcement officer who arrested a person for a violation of 5261
division (A) or (B) of section 4511.19 of the Revised Code, 5262
section 4511.194 of the Revised Code or a substantially 5263
equivalent municipal ordinance, or a municipal OVI ordinance 5264
that was completed and sent to the registrar of motor vehicles 5265
and a court pursuant to section 4511.192 of the Revised Code in 5266
regard to a person who refused to take the designated chemical 5267
test, the registrar shall enter into the registrar's records the 5268
fact that the person's driver's or commercial driver's license 5269
or permit or nonresident operating privilege was suspended by 5270
the arresting officer under this division and that section and 5271
the period of the suspension, as determined under this section. 5272
The suspension shall be subject to appeal as provided in section 5273
4511.197 of the Revised Code. The suspension shall be for 5274
whichever of the following periods applies: 5275

(a) Except when division (B) (1) (b), (c), or (d) of this 5276
section applies and specifies a different class or length of 5277
suspension, the suspension shall be a class C suspension for the 5278
period of time specified in division (B) (3) of section 4510.02 5279
of the Revised Code. 5280

(b) If the arrested person, within ~~ten~~twenty years of the 5281
date on which the person refused the request to consent to the 5282
chemical test, had refused one previous request to consent to a 5283
chemical test or had been convicted of or pleaded guilty to one 5284
violation of division (A) of section 4511.19 of the Revised Code 5285
or one other equivalent offense, the suspension shall be a class 5286
B suspension imposed for the period of time specified in 5287
division (B) (2) of section 4510.02 of the Revised Code. 5288

(c) If the arrested person, within ~~ten~~twenty years of the 5289
date on which the person refused the request to consent to the 5290

chemical test, had refused two previous requests to consent to a 5291
chemical test, had been convicted of or pleaded guilty to two 5292
violations of division (A) of section 4511.19 of the Revised 5293
Code or other equivalent offenses, or had refused one previous 5294
request to consent to a chemical test and also had been 5295
convicted of or pleaded guilty to one violation of division (A) 5296
of section 4511.19 of the Revised Code or other equivalent 5297
offenses, which violation or offense arose from an incident 5298
other than the incident that led to the refusal, the suspension 5299
shall be a class A suspension imposed for the period of time 5300
specified in division (B) (1) of section 4510.02 of the Revised 5301
Code. 5302

(d) If the arrested person, within ~~ten~~twenty years of the 5303
date on which the person refused the request to consent to the 5304
chemical test, had refused three or more previous requests to 5305
consent to a chemical test, had been convicted of or pleaded 5306
guilty to three or more violations of division (A) of section 5307
4511.19 of the Revised Code or other equivalent offenses, or had 5308
refused a number of previous requests to consent to a chemical 5309
test and also had been convicted of or pleaded guilty to a 5310
number of violations of division (A) of section 4511.19 of the 5311
Revised Code or other equivalent offenses that cumulatively 5312
total three or more such refusals, convictions, and guilty 5313
pleas, the suspension shall be for five years. 5314

(2) The registrar shall terminate a suspension of the 5315
driver's or commercial driver's license or permit of a resident 5316
or of the operating privilege of a nonresident, or a denial of a 5317
driver's or commercial driver's license or permit, imposed 5318
pursuant to division (B) (1) of this section upon receipt of 5319
notice that the person has entered a plea of guilty to, or that 5320
the person has been convicted after entering a plea of no 5321

contest to, operating a vehicle in violation of section 4511.19 5322
of the Revised Code or in violation of a municipal OVI 5323
ordinance, if the offense for which the conviction is had or the 5324
plea is entered arose from the same incident that led to the 5325
suspension or denial. 5326

The registrar shall credit against any judicial suspension 5327
of a person's driver's or commercial driver's license or permit 5328
or nonresident operating privilege imposed pursuant to section 5329
4511.19 of the Revised Code, or pursuant to section 4510.07 of 5330
the Revised Code for a violation of a municipal OVI ordinance, 5331
any time during which the person serves a related suspension 5332
imposed pursuant to division (B) (1) of this section. 5333

(C) (1) Upon receipt of the sworn report of the law 5334
enforcement officer who arrested a person for a violation of 5335
division (A) or (B) of section 4511.19 of the Revised Code or a 5336
municipal OVI ordinance that was completed and sent to the 5337
registrar and a court pursuant to section 4511.192 of the 5338
Revised Code in regard to a person whose test results indicate 5339
that the person's whole blood, blood serum or plasma, breath, or 5340
urine contained at least the concentration of alcohol specified 5341
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 5342
the Revised Code or at least the concentration of a listed 5343
controlled substance or a listed metabolite of a controlled 5344
substance specified in division (A) (1) (j) of section 4511.19 of 5345
the Revised Code, the registrar shall enter into the registrar's 5346
records the fact that the person's driver's or commercial 5347
driver's license or permit or nonresident operating privilege 5348
was suspended by the arresting officer under this division and 5349
section 4511.192 of the Revised Code and the period of the 5350
suspension, as determined under divisions (C) (1) (a) to (d) of 5351
this section. The suspension shall be subject to appeal as 5352

provided in section 4511.197 of the Revised Code. The suspension 5353
described in this division does not apply to, and shall not be 5354
imposed upon, a person arrested for a violation of section 5355
4511.194 of the Revised Code or a substantially equivalent 5356
municipal ordinance who submits to a designated chemical test. 5357
The suspension shall be for whichever of the following periods 5358
applies: 5359

(a) Except when division (C) (1) (b), (c), or (d) of this 5360
section applies and specifies a different period, the suspension 5361
shall be a class E suspension imposed for the period of time 5362
specified in division (B) (5) of section 4510.02 of the Revised 5363
Code. 5364

(b) The suspension shall be a class C suspension for the 5365
period of time specified in division (B) (3) of section 4510.02 5366
of the Revised Code if the person has been convicted of or 5367
pleaded guilty to, within ~~ten~~ twenty years of the date the test 5368
was conducted, one violation of division (A) of section 4511.19 5369
of the Revised Code or one other equivalent offense. 5370

(c) If, within ~~ten~~ twenty years of the date the test was 5371
conducted, the person has been convicted of or pleaded guilty to 5372
two violations of a statute or ordinance described in division 5373
(C) (1) (b) of this section, the suspension shall be a class B 5374
suspension imposed for the period of time specified in division 5375
(B) (2) of section 4510.02 of the Revised Code. 5376

(d) If, within ~~ten~~ twenty years of the date the test was 5377
conducted, the person has been convicted of or pleaded guilty to 5378
three or more ~~than two~~ violations of a statute or ordinance 5379
described in division (C) (1) (b) of this section, the suspension 5380
shall be a class A suspension imposed for the period of time 5381
specified in division (B) (1) of section 4510.02 of the Revised 5382

Code. 5383

(2) The registrar shall terminate a suspension of the 5384
driver's or commercial driver's license or permit of a resident 5385
or of the operating privilege of a nonresident, or a denial of a 5386
driver's or commercial driver's license or permit, imposed 5387
pursuant to division (C)(1) of this section upon receipt of 5388
notice that the person has entered a plea of guilty to, or that 5389
the person has been convicted after entering a plea of no 5390
contest to, operating a vehicle in violation of section 4511.19 5391
of the Revised Code or in violation of a municipal OVI 5392
ordinance, if the offense for which the conviction is had or the 5393
plea is entered arose from the same incident that led to the 5394
suspension or denial. 5395

The registrar shall credit against any judicial suspension 5396
of a person's driver's or commercial driver's license or permit 5397
or nonresident operating privilege imposed pursuant to section 5398
4511.19 of the Revised Code, or pursuant to section 4510.07 of 5399
the Revised Code for a violation of a municipal OVI ordinance, 5400
any time during which the person serves a related suspension 5401
imposed pursuant to division (C)(1) of this section. 5402

(D)(1) A suspension of a person's driver's or commercial 5403
driver's license or permit or nonresident operating privilege 5404
under this section for the time described in division (B) or (C) 5405
of this section is effective immediately from the time at which 5406
the arresting officer serves the notice of suspension upon the 5407
arrested person. Any subsequent finding that the person is not 5408
guilty of the charge that resulted in the person being requested 5409
to take the chemical test or tests under division (A) of this 5410
section does not affect the suspension. 5411

(2) If a person is arrested for operating a vehicle, 5412

streetcar, or trackless trolley in violation of division (A) or 5413
(B) of section 4511.19 of the Revised Code or a municipal OVI 5414
ordinance, or for being in physical control of a vehicle, 5415
streetcar, or trackless trolley in violation of section 4511.194 5416
of the Revised Code or a substantially equivalent municipal 5417
ordinance, regardless of whether the person's driver's or 5418
commercial driver's license or permit or nonresident operating 5419
privilege is or is not suspended under division (B) or (C) of 5420
this section or Chapter 4510. of the Revised Code, the person's 5421
initial appearance on the charge resulting from the arrest shall 5422
be held within five days of the person's arrest or the issuance 5423
of the citation to the person, subject to any continuance 5424
granted by the court pursuant to section 4511.197 of the Revised 5425
Code regarding the issues specified in that division. 5426

(E) When it finally has been determined under the 5427
procedures of this section and sections 4511.192 to 4511.197 of 5428
the Revised Code that a nonresident's privilege to operate a 5429
vehicle within this state has been suspended, the registrar 5430
shall give information in writing of the action taken to the 5431
motor vehicle administrator of the state of the person's 5432
residence and of any state in which the person has a license. 5433

(F) At the end of a suspension period under this section, 5434
under section 4511.194, section 4511.196, or division (G) of 5435
section 4511.19 of the Revised Code, or under section 4510.07 of 5436
the Revised Code for a violation of a municipal OVI ordinance 5437
and upon the request of the person whose driver's or commercial 5438
driver's license or permit was suspended and who is not 5439
otherwise subject to suspension, cancellation, or 5440
disqualification, the registrar shall return the driver's or 5441
commercial driver's license or permit to the person upon the 5442
occurrence of all of the conditions specified in divisions (F) 5443

(1) and (2) of this section: 5444

(1) A showing that the person has proof of financial 5445
responsibility, a policy of liability insurance in effect that 5446
meets the minimum standards set forth in section 4509.51 of the 5447
Revised Code, or proof, to the satisfaction of the registrar, 5448
that the person is able to respond in damages in an amount at 5449
least equal to the minimum amounts specified in section 4509.51 5450
of the Revised Code. 5451

(2) Subject to the limitation contained in division (F) (3) 5452
of this section, payment by the person to the registrar or an 5453
eligible deputy registrar of a license reinstatement fee of four 5454
hundred seventy-five dollars, which fee shall be deposited in 5455
the state treasury and credited as follows: 5456

(a) One hundred twelve dollars and fifty cents shall be 5457
credited to the statewide treatment and prevention fund created 5458
by section 4301.30 of the Revised Code. Money credited to the 5459
fund under this section shall be used for purposes identified 5460
under section 5119.22 of the Revised Code. 5461

(b) Seventy-five dollars shall be credited to the 5462
repairs fund created by section 2743.191 of the Revised 5463
Code. 5464

(c) Thirty-seven dollars and fifty cents shall be credited 5465
to the indigent drivers alcohol treatment fund, which is hereby 5466
established in the state treasury. The department of mental 5467
health and addiction services shall distribute the moneys in 5468
that fund to the county indigent drivers alcohol treatment 5469
funds, the county juvenile indigent drivers alcohol treatment 5470
funds, and the municipal indigent drivers alcohol treatment 5471
funds that are required to be established by counties and 5472

municipal corporations pursuant to division (H) of this section 5473
to be used only as provided in division (H) (3) of this section. 5474
Moneys in the fund that are not distributed to a county indigent 5475
drivers alcohol treatment fund, a county juvenile indigent 5476
drivers alcohol treatment fund, or a municipal indigent drivers 5477
alcohol treatment fund under division (H) of this section 5478
because the director of mental health and addiction services 5479
does not have the information necessary to identify the county 5480
or municipal corporation where the offender or juvenile offender 5481
was arrested may be transferred by the director of budget and 5482
management to the statewide treatment and prevention fund 5483
created by section 4301.30 of the Revised Code, upon 5484
certification of the amount by the director of mental health and 5485
addiction services. 5486

(d) Seventy-five dollars shall be credited to the 5487
opportunities for Ohioans with disabilities agency established 5488
by section 3304.15 of the Revised Code, to the services for 5489
rehabilitation fund, which is hereby established. The fund shall 5490
be used to match available federal matching funds where 5491
appropriate, and for any other purpose or program of the agency 5492
to rehabilitate persons with disabilities to help them become 5493
employed and independent. 5494

(e) Seventy-five dollars shall be deposited into the state 5495
treasury and credited to the drug abuse resistance education 5496
programs fund, which is hereby established, to be used by the 5497
attorney general for the purposes specified in division (F) (4) 5498
of this section. 5499

(f) Thirty dollars shall be credited to the public safety 5500
- highway purposes fund created by section 4501.06 of the 5501
Revised Code. 5502

(g) Twenty dollars shall be credited to the trauma and 5503
emergency medical services fund created by section 4513.263 of 5504
the Revised Code. 5505

(h) Fifty dollars shall be credited to the indigent 5506
drivers interlock and alcohol monitoring fund, which is hereby 5507
established in the state treasury. Moneys in the fund shall be 5508
distributed by the department of public safety to the county 5509
indigent drivers interlock and alcohol monitoring funds, the 5510
county juvenile indigent drivers interlock and alcohol 5511
monitoring funds, and the municipal indigent drivers interlock 5512
and alcohol monitoring funds that are required to be established 5513
by counties and municipal corporations pursuant to this section, 5514
and shall be used only to pay the cost of an immobilizing or 5515
disabling device, including a certified ignition interlock 5516
device, or an alcohol monitoring device used by an offender or 5517
juvenile offender who is ordered to use the device by a county, 5518
juvenile, or municipal court judge and who is determined by the 5519
county, juvenile, or municipal court judge not to have the means 5520
to pay for the person's use of the device. 5521

(3) If a person's driver's or commercial driver's license 5522
or permit is suspended under this section, under section 5523
4511.196 or division (G) of section 4511.19 of the Revised Code, 5524
under section 4510.07 of the Revised Code for a violation of a 5525
municipal OVI ordinance or under any combination of the 5526
suspensions described in division (F) (3) of this section, and if 5527
the suspensions arise from a single incident or a single set of 5528
facts and circumstances, the person is liable for payment of, 5529
and shall be required to pay to the registrar or an eligible 5530
deputy registrar, only one reinstatement fee of four hundred 5531
seventy-five dollars. The reinstatement fee shall be distributed 5532
by the bureau in accordance with division (F) (2) of this 5533

section. 5534

(4) The attorney general shall use amounts in the drug 5535
abuse resistance education programs fund to award grants to law 5536
enforcement agencies to establish and implement drug abuse 5537
resistance education programs in public schools. Grants awarded 5538
to a law enforcement agency under this section shall be used by 5539
the agency to pay for not more than fifty per cent of the amount 5540
of the salaries of law enforcement officers who conduct drug 5541
abuse resistance education programs in public schools. The 5542
attorney general shall not use more than six per cent of the 5543
amounts the attorney general's office receives under division 5544
(F) (2) (e) of this section to pay the costs it incurs in 5545
administering the grant program established by division (F) (2) 5546
(e) of this section and in providing training and materials 5547
relating to drug abuse resistance education programs. 5548

The attorney general shall report to the governor and the 5549
general assembly each fiscal year on the progress made in 5550
establishing and implementing drug abuse resistance education 5551
programs. These reports shall include an evaluation of the 5552
effectiveness of these programs. 5553

(5) In addition to the reinstatement fee under this 5554
section, if the person pays the reinstatement fee to a deputy 5555
registrar, the deputy registrar shall collect a service fee of 5556
ten dollars to compensate the deputy registrar for services 5557
performed under this section. The deputy registrar shall retain 5558
eight dollars of the service fee and shall transmit the 5559
reinstatement fee, plus two dollars of the service fee, to the 5560
registrar in the manner the registrar shall determine. 5561

(G) Suspension of a commercial driver's license under 5562
division (B) or (C) of this section shall be concurrent with any 5563

period of disqualification under section 3123.611 or 4506.16 of 5564
the Revised Code or any period of suspension under section 5565
3123.58 of the Revised Code. No person who is disqualified for 5566
life from holding a commercial driver's license under section 5567
4506.16 of the Revised Code shall be issued a driver's license 5568
under Chapter 4507. of the Revised Code during the period for 5569
which the commercial driver's license was suspended under 5570
division (B) or (C) of this section. No person whose commercial 5571
driver's license is suspended under division (B) or (C) of this 5572
section shall be issued a driver's license under Chapter 4507. 5573
of the Revised Code during the period of the suspension. 5574

(H) (1) Each county shall establish an indigent drivers 5575
alcohol treatment fund and a juvenile indigent drivers alcohol 5576
treatment fund. Each municipal corporation in which there is a 5577
municipal court shall establish an indigent drivers alcohol 5578
treatment fund. All revenue that the general assembly 5579
appropriates to the indigent drivers alcohol treatment fund for 5580
transfer to a county indigent drivers alcohol treatment fund, a 5581
county juvenile indigent drivers alcohol treatment fund, or a 5582
municipal indigent drivers alcohol treatment fund, all portions 5583
of fees that are paid under division (F) of this section and 5584
that are credited under that division to the indigent drivers 5585
alcohol treatment fund in the state treasury for a county 5586
indigent drivers alcohol treatment fund, a county juvenile 5587
indigent drivers alcohol treatment fund, or a municipal indigent 5588
drivers alcohol treatment fund, all portions of additional costs 5589
imposed under section 2949.094 of the Revised Code that are 5590
specified for deposit into a county, county juvenile, or 5591
municipal indigent drivers alcohol treatment fund by that 5592
section, and all portions of fines that are specified for 5593
deposit into a county or municipal indigent drivers alcohol 5594

treatment fund by section 4511.193 of the Revised Code shall be 5595
deposited into that county indigent drivers alcohol treatment 5596
fund, county juvenile indigent drivers alcohol treatment fund, 5597
or municipal indigent drivers alcohol treatment fund. The 5598
portions of the fees paid under division (F) of this section 5599
that are to be so deposited shall be determined in accordance 5600
with division (H)(2) of this section. Additionally, all portions 5601
of fines that are paid for a violation of section 4511.19 of the 5602
Revised Code or of any prohibition contained in Chapter 4510. of 5603
the Revised Code, and that are required under section 4511.19 or 5604
any provision of Chapter 4510. of the Revised Code to be 5605
deposited into a county indigent drivers alcohol treatment fund 5606
or municipal indigent drivers alcohol treatment fund shall be 5607
deposited into the appropriate fund in accordance with the 5608
applicable division of the section or provision. 5609

(2) That portion of the license reinstatement fee that is 5610
paid under division (F) of this section and that is credited 5611
under that division to the indigent drivers alcohol treatment 5612
fund shall be deposited into a county indigent drivers alcohol 5613
treatment fund, a county juvenile indigent drivers alcohol 5614
treatment fund, or a municipal indigent drivers alcohol 5615
treatment fund as follows: 5616

(a) Regarding a suspension imposed under this section, 5617
that portion of the fee shall be deposited as follows: 5618

(i) If the fee is paid by a person who was charged in a 5619
county court with the violation that resulted in the suspension 5620
or in the imposition of the court costs, the portion shall be 5621
deposited into the county indigent drivers alcohol treatment 5622
fund under the control of that court; 5623

(ii) If the fee is paid by a person who was charged in a 5624

juvenile court with the violation that resulted in the 5625
suspension or in the imposition of the court costs, the portion 5626
shall be deposited into the county juvenile indigent drivers 5627
alcohol treatment fund established in the county served by the 5628
court; 5629

(iii) If the fee is paid by a person who was charged in a 5630
municipal court with the violation that resulted in the 5631
suspension or in the imposition of the court costs, the portion 5632
shall be deposited into the municipal indigent drivers alcohol 5633
treatment fund under the control of that court. 5634

(b) Regarding a suspension imposed under section 4511.19 5635
of the Revised Code or under section 4510.07 of the Revised Code 5636
for a violation of a municipal OVI ordinance, that portion of 5637
the fee shall be deposited as follows: 5638

(i) If the fee is paid by a person whose license or permit 5639
was suspended by a county court, the portion shall be deposited 5640
into the county indigent drivers alcohol treatment fund under 5641
the control of that court; 5642

(ii) If the fee is paid by a person whose license or 5643
permit was suspended by a municipal court, the portion shall be 5644
deposited into the municipal indigent drivers alcohol treatment 5645
fund under the control of that court. 5646

(3) (a) As used in division (H) (3) of this section, 5647
"indigent person" means a person who is convicted of a violation 5648
of division (A) or (B) of section 4511.19 of the Revised Code or 5649
a substantially similar municipal ordinance or found to be a 5650
juvenile traffic offender by reason of a violation of division 5651
(A) or (B) of section 4511.19 of the Revised Code or a 5652
substantially similar municipal ordinance, who is ordered by the 5653

court to attend an alcohol and drug addiction treatment program, 5654
and who is determined by the court under division (H) (5) of this 5655
section to be unable to pay the cost of the assessment or the 5656
cost of attendance at the treatment program. 5657

(b) A county, juvenile, or municipal court judge, by 5658
order, may make expenditures from a county indigent drivers 5659
alcohol treatment fund, a county juvenile indigent drivers 5660
alcohol treatment fund, or a municipal indigent drivers alcohol 5661
treatment fund with respect to an indigent person for any of the 5662
following: 5663

(i) To pay the cost of an assessment that is conducted by 5664
an appropriately licensed clinician at either a driver 5665
intervention program that is certified under section 5119.38 of 5666
the Revised Code or at a community addiction services provider 5667
whose alcohol and drug addiction services are certified under 5668
section 5119.36 of the Revised Code; 5669

(ii) To pay the cost of alcohol addiction services, drug 5670
addiction services, or integrated alcohol and drug addiction 5671
services at a community addiction services provider whose 5672
alcohol and drug addiction services are certified under section 5673
5119.36 of the Revised Code; 5674

(iii) To pay the cost of transportation to attend an 5675
assessment as provided under division (H) (3) (b) (i) of this 5676
section or addiction services as provided under division (H) (3) 5677
(b) (ii) of this section. 5678

The alcohol and drug addiction services board or the board 5679
of alcohol, drug addiction, and mental health services 5680
established pursuant to section 340.02 or 340.021 of the Revised 5681
Code and serving the alcohol, drug addiction, and mental health 5682

service district in which the court is located shall administer 5683
the indigent drivers alcohol treatment program of the court. 5684
When a court orders an offender or juvenile traffic offender to 5685
obtain an assessment or attend an alcohol and drug addiction 5686
treatment program, the board shall determine which program is 5687
suitable to meet the needs of the offender or juvenile traffic 5688
offender, and when a suitable program is located and space is 5689
available at the program, the offender or juvenile traffic 5690
offender shall attend the program designated by the board. A 5691
reasonable amount not to exceed five per cent of the amounts 5692
credited to and deposited into the county indigent drivers 5693
alcohol treatment fund, the county juvenile indigent drivers 5694
alcohol treatment fund, or the municipal indigent drivers 5695
alcohol treatment fund serving every court whose program is 5696
administered by that board shall be paid to the board to cover 5697
the costs it incurs in administering those indigent drivers 5698
alcohol treatment programs. 5699

(c) Upon exhaustion of moneys in the indigent drivers 5700
interlock and alcohol monitoring fund for the use of an alcohol 5701
monitoring device, a county, juvenile, or municipal court judge 5702
may use moneys in the county indigent drivers alcohol treatment 5703
fund, county juvenile indigent drivers alcohol treatment fund, 5704
or municipal indigent drivers alcohol treatment fund in either 5705
of the following manners: 5706

(i) If the source of the moneys was an appropriation of 5707
the general assembly, a portion of a fee that was paid under 5708
division (F) of this section, a portion of a fine that was 5709
specified for deposit into the fund by section 4511.193 of the 5710
Revised Code, or a portion of a fine that was paid for a 5711
violation of section 4511.19 of the Revised Code or of a 5712
provision contained in Chapter 4510. of the Revised Code that 5713

was required to be deposited into the fund, to pay for the 5714
continued use of an alcohol monitoring device by an offender or 5715
juvenile traffic offender, in conjunction with a treatment 5716
program approved by the department of mental health and 5717
addiction services, when such use is determined clinically 5718
necessary by the treatment program and when the court determines 5719
that the offender or juvenile traffic offender is unable to pay 5720
all or part of the daily monitoring or cost of the device; 5721

(ii) If the source of the moneys was a portion of an 5722
additional court cost imposed under section 2949.094 of the 5723
Revised Code, to pay for the continued use of an alcohol 5724
monitoring device by an offender or juvenile traffic offender 5725
when the court determines that the offender or juvenile traffic 5726
offender is unable to pay all or part of the daily monitoring or 5727
cost of the device. The moneys may be used for a device as 5728
described in this division if the use of the device is in 5729
conjunction with a treatment program approved by the department 5730
of mental health and addiction services, when the use of the 5731
device is determined clinically necessary by the treatment 5732
program, but the use of a device is not required to be in 5733
conjunction with a treatment program approved by the department 5734
in order for the moneys to be used for the device as described 5735
in this division. 5736

(4) If a county, juvenile, or municipal court determines, 5737
in consultation with the alcohol and drug addiction services 5738
board or the board of alcohol, drug addiction, and mental health 5739
services established pursuant to section 340.02 or 340.021 of 5740
the Revised Code and serving the alcohol, drug addiction, and 5741
mental health district in which the court is located, that the 5742
funds in the county indigent drivers alcohol treatment fund, the 5743
county juvenile indigent drivers alcohol treatment fund, or the 5744

municipal indigent drivers alcohol treatment fund under the 5745
control of the court are more than sufficient to satisfy the 5746
purpose for which the fund was established, as specified in 5747
divisions (H) (1) to (3) of this section, the court may declare a 5748
surplus in the fund. If the court declares a surplus in the 5749
fund, the court may take one or more of the following actions 5750
with regard to the amount of the surplus in the fund: 5751

(a) Expend any of the surplus amount for alcohol and drug 5752
abuse assessment and treatment, and for the cost of 5753
transportation related to assessment and treatment, of persons 5754
who are charged in the court with committing a criminal offense 5755
or with being a delinquent child or juvenile traffic offender 5756
and in relation to whom both of the following apply: 5757

(i) The court determines that substance abuse was a 5758
contributing factor leading to the criminal or delinquent 5759
activity or the juvenile traffic offense with which the person 5760
is charged. 5761

(ii) The court determines that the person is unable to pay 5762
the cost of the alcohol and drug abuse assessment and treatment 5763
for which the surplus money will be used. 5764

(b) Expend any of the surplus amount to pay all or part of 5765
the cost of purchasing alcohol monitoring devices to be used in 5766
conjunction with division (H) (3) (c) of this section, upon 5767
exhaustion of moneys in the indigent drivers interlock and 5768
alcohol monitoring fund for the use of an alcohol monitoring 5769
device. 5770

(c) Transfer to another court in the same county any of 5771
the surplus amount to be utilized in a manner consistent with 5772
division (H) (3) of this section. If surplus funds are 5773

transferred to another court, the court that transfers the funds 5774
shall notify the alcohol and drug addiction services board or 5775
the board of alcohol, drug addiction, and mental health services 5776
that serves the alcohol, drug addiction, and mental health 5777
service district in which that court is located. 5778

(d) Transfer to the alcohol and drug addiction services 5779
board or the board of alcohol, drug addiction, and mental health 5780
services that serves the alcohol, drug addiction, and mental 5781
health service district in which the court is located any of the 5782
surplus amount to be utilized in a manner consistent with 5783
division (H) (3) of this section or for board contracted recovery 5784
support services. 5785

(e) Expend any of the surplus amount for the cost of 5786
staffing, equipment, training, drug testing, supplies, and other 5787
expenses of any specialized docket program established within 5788
the court and certified by the supreme court. 5789

(5) In order to determine if an offender does not have the 5790
means to pay for the offender's attendance at an alcohol and 5791
drug addiction treatment program for purposes of division (H) (3) 5792
of this section or if an alleged offender or delinquent child is 5793
unable to pay the costs specified in division (H) (4) of this 5794
section, the court shall use the indigent client eligibility 5795
guidelines and the standards of indigency established by the 5796
state public defender to make the determination. 5797

(6) The court shall identify and refer any community 5798
addiction services provider that intends to provide alcohol and 5799
drug addiction services and has not had its alcohol and drug 5800
addiction services certified under section 5119.36 of the 5801
Revised Code and that is interested in receiving amounts from 5802
the surplus in the fund declared under division (H) (4) of this 5803

section to the department of mental health and addiction 5804
services in order for the community addiction services provider 5805
to have its alcohol and drug addiction services certified by the 5806
department. The department shall keep a record of applicant 5807
referrals received pursuant to this division and shall submit a 5808
report on the referrals each year to the general assembly. If a 5809
community addiction services provider interested in having its 5810
alcohol and drug addiction services certified makes an 5811
application pursuant to section 5119.36 of the Revised Code, the 5812
community addiction services provider is eligible to receive 5813
surplus funds as long as the application is pending with the 5814
department. The department of mental health and addiction 5815
services must offer technical assistance to the applicant. If 5816
the interested community addiction services provider withdraws 5817
the certification application, the department must notify the 5818
court, and the court shall not provide the interested community 5819
addiction services provider with any further surplus funds. 5820

(7) (a) Each alcohol and drug addiction services board and 5821
board of alcohol, drug addiction, and mental health services 5822
established pursuant to section 340.02 or 340.021 of the Revised 5823
Code shall submit to the department of mental health and 5824
addiction services an annual report for each indigent drivers 5825
alcohol treatment fund in that board's area. 5826

(b) The report, which shall be submitted not later than 5827
sixty days after the end of the state fiscal year, shall provide 5828
the total payment that was made from the fund, including the 5829
number of indigent consumers that received treatment services 5830
and the number of indigent consumers that received an alcohol 5831
monitoring device. The report shall identify the treatment 5832
program and expenditure for an alcohol monitoring device for 5833
which that payment was made. The report shall include the fiscal 5834

year balance of each indigent drivers alcohol treatment fund 5835
located in that board's area. In the event that a surplus is 5836
declared in the fund pursuant to division (H) (4) of this 5837
section, the report also shall provide the total payment that 5838
was made from the surplus moneys and identify the authorized 5839
purpose for which that payment was made. 5840

(c) If a board is unable to obtain adequate information to 5841
develop the report to submit to the department for a particular 5842
indigent drivers alcohol treatment fund, the board shall submit 5843
a report detailing the effort made in obtaining the information. 5844

(I) (1) Each county shall establish an indigent drivers 5845
interlock and alcohol monitoring fund and a juvenile indigent 5846
drivers interlock and alcohol treatment fund. Each municipal 5847
corporation in which there is a municipal court shall establish 5848
an indigent drivers interlock and alcohol monitoring fund. All 5849
revenue that the general assembly appropriates to the indigent 5850
drivers interlock and alcohol monitoring fund for transfer to a 5851
county indigent drivers interlock and alcohol monitoring fund, a 5852
county juvenile indigent drivers interlock and alcohol 5853
monitoring fund, or a municipal indigent drivers interlock and 5854
alcohol monitoring fund, all portions of license reinstatement 5855
fees that are paid under division (F) (2) of this section and 5856
that are credited under that division to the indigent drivers 5857
interlock and alcohol monitoring fund in the state treasury, and 5858
all portions of fines that are paid under division (G) of 5859
section 4511.19 of the Revised Code and that are credited by 5860
division (G) (5) (e) of that section to the indigent drivers 5861
interlock and alcohol monitoring fund in the state treasury 5862
shall be deposited in the appropriate fund in accordance with 5863
division (I) (2) of this section. 5864

(2) That portion of the license reinstatement fee that is 5865
paid under division (F) of this section and that portion of the 5866
fine paid under division (G) of section 4511.19 of the Revised 5867
Code and that is credited under either division to the indigent 5868
drivers interlock and alcohol monitoring fund shall be deposited 5869
into a county indigent drivers interlock and alcohol monitoring 5870
fund, a county juvenile indigent drivers interlock and alcohol 5871
monitoring fund, or a municipal indigent drivers interlock and 5872
alcohol monitoring fund as follows: 5873

(a) If the fee or fine is paid by a person who was charged 5874
in a county court with the violation that resulted in the 5875
suspension or fine, the portion shall be deposited into the 5876
county indigent drivers interlock and alcohol monitoring fund 5877
under the control of that court. 5878

(b) If the fee or fine is paid by a person who was charged 5879
in a juvenile court with the violation that resulted in the 5880
suspension or fine, the portion shall be deposited into the 5881
county juvenile indigent drivers interlock and alcohol 5882
monitoring fund established in the county served by the court. 5883

(c) If the fee or fine is paid by a person who was charged 5884
in a municipal court with the violation that resulted in the 5885
suspension, the portion shall be deposited into the municipal 5886
indigent drivers interlock and alcohol monitoring fund under the 5887
control of that court. 5888

(3) If a county, juvenile, or municipal court determines 5889
that the funds in the county indigent drivers interlock and 5890
alcohol monitoring fund, the county juvenile indigent drivers 5891
interlock and alcohol monitoring fund, or the municipal indigent 5892
drivers interlock and alcohol monitoring fund under the control 5893
of that court are more than sufficient to satisfy the purpose 5894

for which the fund was established as specified in division (F) 5895
(2) (h) of this section, the court may declare a surplus in the 5896
fund. The court then may order the transfer of a specified 5897
amount into the county indigent drivers alcohol treatment fund, 5898
the county juvenile indigent drivers alcohol treatment fund, or 5899
the municipal indigent drivers alcohol treatment fund under the 5900
control of that court to be utilized in accordance with division 5901
(H) of this section. 5902

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 5903
for a violation of a municipal OVI ordinance shall be deposited 5904
into the municipal or county indigent drivers alcohol treatment 5905
fund created pursuant to division (H) of section 4511.191 of the 5906
Revised Code in accordance with this section and section 733.40, 5907
divisions (A), (B), and (C) of section 1901.024, division (F) of 5908
section 1901.31, or division (C) of section 1907.20 of the 5909
Revised Code. Regardless of whether the fine is imposed by a 5910
municipal court, a mayor's court, or a juvenile court, if the 5911
fine was imposed for a violation of an ordinance of a municipal 5912
corporation that is within the jurisdiction of a county-operated 5913
municipal court or a municipal court that is not a county- 5914
operated municipal court, the twenty-five dollars that is 5915
subject to this section shall be deposited into the indigent 5916
drivers alcohol treatment fund of the county in which that 5917
municipal corporation is located if the municipal court that has 5918
jurisdiction over that municipal corporation is a county- 5919
operated municipal court or of the municipal corporation in 5920
which is located the municipal court that has jurisdiction over 5921
that municipal corporation if that municipal court is not a 5922
county-operated municipal court. Regardless of whether the fine 5923
is imposed by a county court, a mayor's court, or a juvenile 5924
court, if the fine was imposed for a violation of an ordinance 5925

of a municipal corporation that is within the jurisdiction of a 5926
county court, the twenty-five dollars that is subject to this 5927
section shall be deposited into the indigent drivers alcohol 5928
treatment fund of the county in which is located the county 5929
court that has jurisdiction over that municipal corporation. The 5930
deposit shall be made in accordance with section 733.40, 5931
divisions (A), (B), and (C) of section 1901.024, division (F) of 5932
section 1901.31, or division (C) of section 1907.20 of the 5933
Revised Code. 5934

(B) Any court cost imposed as a result of a violation of a 5935
municipal ordinance that is a moving violation and designated 5936
for an indigent drivers alcohol treatment fund established 5937
pursuant to division (H) of section 4511.191 of the Revised Code 5938
shall be deposited into the municipal or county indigent drivers 5939
alcohol treatment fund created pursuant to division (H) of 5940
section 4511.191 of the Revised Code in accordance with this 5941
section and section 733.40, divisions (A), (B), and (C) of 5942
section 1901.024, division (F) of section 1901.31, or division 5943
(C) of section 1907.20 of the Revised Code. Regardless of 5944
whether the court cost is imposed by a municipal court, a 5945
mayor's court, or a juvenile court, if the court cost was 5946
imposed for a violation of an ordinance of a municipal 5947
corporation that is within the jurisdiction of a county-operated 5948
municipal court or a municipal court that is not a county- 5949
operated municipal court, the court cost that is subject to this 5950
section shall be deposited into the indigent drivers alcohol 5951
treatment fund of the county in which that municipal corporation 5952
is located if the municipal court that has jurisdiction over 5953
that municipal corporation is a county-operated municipal court 5954
or of the municipal corporation in which is located the 5955
municipal court that has jurisdiction over that municipal 5956

corporation if that municipal court is not a county-operated 5957
municipal court. Regardless of whether the court cost is imposed 5958
by a county court, a mayor's court, or a juvenile court, if the 5959
court cost was imposed for a violation of an ordinance of a 5960
municipal corporation that is within the jurisdiction of a 5961
county court, the court cost that is subject to this section 5962
shall be deposited into the indigent drivers alcohol treatment 5963
fund of the county in which is located the county court that has 5964
jurisdiction over that municipal corporation. The deposit shall 5965
be made in accordance with section 733.40, divisions (A), (B), 5966
and (C) of section 1901.024, division (F) of section 1901.31, or 5967
division (C) of section 1907.20 of the Revised Code. 5968

(C) (1) The requirements and sanctions imposed by divisions 5969
(C) (1) and (2) of this section are an adjunct to and derive from 5970
the state's exclusive authority over the registration and 5971
titling of motor vehicles and do not comprise a part of the 5972
criminal sentence to be imposed upon a person who violates a 5973
municipal OVI ordinance. 5974

(2) If a person is convicted of or pleads guilty to a 5975
violation of a municipal OVI ordinance, if the vehicle the 5976
offender was operating at the time of the offense is registered 5977
in the offender's name, and if, within ~~ten~~twenty years of the 5978
current offense, the offender has been convicted of or pleaded 5979
guilty to one or more violations of division (A) of section 5980
4511.19 of the Revised Code or one or more other equivalent 5981
offenses, the court, in addition to and independent of any 5982
sentence that it imposes upon the offender for the offense, 5983
shall do whichever of the following is applicable: 5984

(a) Except as otherwise provided in division (C) (2) (b) of 5985
this section, if, within ~~ten~~twenty years of the current 5986

offense, the offender has been convicted of or pleaded guilty to 5987
one violation described in division (C) (2) of this section, the 5988
court shall order the immobilization for ninety days of that 5989
vehicle and the impoundment for ninety days of the license 5990
plates of that vehicle. The order for the immobilization and 5991
impoundment shall be issued and enforced in accordance with 5992
section 4503.233 of the Revised Code. 5993

(b) If, within ~~ten~~twenty years of the current offense, 5994
the offender has been convicted of or pleaded guilty to two or 5995
more violations described in division (C) (2) of this section, or 5996
if the offender previously has been convicted of or pleaded 5997
guilty to a violation of division (A) of section 4511.19 of the 5998
Revised Code under circumstances in which the violation was a 5999
felony and regardless of when the violation and the conviction 6000
or guilty plea occurred, the court shall order the criminal 6001
forfeiture to the state of that vehicle. The order of criminal 6002
forfeiture shall be issued and enforced in accordance with 6003
section 4503.234 of the Revised Code. 6004

(D) As used in this section, "county-operated municipal 6005
court" has the same meaning as in section 1901.03 of the Revised 6006
Code. 6007

Sec. 4511.195. (A) As used in this section: 6008

(1) "Arrested person" means a person who is arrested for a 6009
violation of division (A) of section 4511.19 of the Revised Code 6010
or a municipal OVI ordinance and whose arrest results in a 6011
vehicle being seized under division (B) of this section. 6012

(2) "Vehicle owner" means either of the following: 6013

(a) The person in whose name is registered, at the time of 6014
the seizure, a vehicle that is seized under division (B) of this 6015

section; 6016

(b) A person to whom the certificate of title to a vehicle 6017
that is seized under division (B) of this section has been 6018
assigned and who has not obtained a certificate of title to the 6019
vehicle in that person's name, but who is deemed by the court as 6020
being the owner of the vehicle at the time the vehicle was 6021
seized under division (B) of this section. 6022

(3) "Interested party" includes the owner of a vehicle 6023
seized under this section, all lienholders, the arrested person, 6024
the owner of the place of storage at which a vehicle seized 6025
under this section is stored, and the person or entity that 6026
caused the vehicle to be removed. 6027

(B) (1) The arresting officer or another officer of the law 6028
enforcement agency that employs the arresting officer, in 6029
addition to any action that the arresting officer is required or 6030
authorized to take by section 4511.19 or 4511.191 of the Revised 6031
Code or by any other provision of law, shall seize the vehicle 6032
that a person was operating at the time of the alleged offense 6033
and its license plates if the vehicle is registered in the 6034
arrested person's name and if either of the following applies: 6035

(a) The person is arrested for a violation of division (A) 6036
of section 4511.19 of the Revised Code or of a municipal OVI 6037
ordinance and, within ~~ten~~twenty years of the alleged violation, 6038
the person previously has been convicted of or pleaded guilty to 6039
one or more violations of division (A) of section 4511.19 of the 6040
Revised Code or one or more other equivalent offenses. 6041

(b) The person is arrested for a violation of division (A) 6042
of section 4511.19 of the Revised Code or of a municipal OVI 6043
ordinance and the person previously has been convicted of or 6044

pleaded guilty to a violation of division (A) of section 4511.19 6045
of the Revised Code under circumstances in which the violation 6046
was a felony, regardless of when the prior felony violation of 6047
division (A) of section 4511.19 of the Revised Code and the 6048
conviction or guilty plea occurred. 6049

(2) A law enforcement agency that employs a law 6050
enforcement officer who makes an arrest of a type that is 6051
described in division (B)(1) of this section and that involves a 6052
rented or leased vehicle that is being rented or leased for a 6053
period of thirty days or less shall notify, within twenty-four 6054
hours after the officer makes the arrest, the lessor or owner of 6055
the vehicle regarding the circumstances of the arrest and the 6056
location at which the vehicle may be picked up. At the time of 6057
the seizure of the vehicle, the law enforcement officer who made 6058
the arrest shall give the arrested person written notice that 6059
the vehicle and its license plates have been seized; that the 6060
vehicle either will be kept by the officer's law enforcement 6061
agency or will be immobilized at least until the operator's 6062
initial appearance on the charge of the offense for which the 6063
arrest was made; that, at the initial appearance, the court in 6064
certain circumstances may order that the vehicle and license 6065
plates be released to the arrested person until the disposition 6066
of that charge; and that, if the arrested person is convicted of 6067
that charge, the court generally must order the immobilization 6068
of the vehicle and the impoundment of its license plates, or the 6069
forfeiture of the vehicle. 6070

(3) The arresting officer or a law enforcement officer of 6071
the agency that employs the arresting officer shall give written 6072
notice of the seizure to the court that will conduct the initial 6073
appearance of the arrested person on the charges arising out of 6074
the arrest. Upon receipt of the notice, the court promptly shall 6075

determine whether the arrested person is the vehicle owner. If 6076
the court determines that the arrested person is not the vehicle 6077
owner, it promptly shall send by regular mail written notice of 6078
the seizure to the vehicle's registered owner. The written 6079
notice shall contain all of the information required by division 6080
(B) (2) of this section to be in a notice to be given to the 6081
arrested person and also shall specify the date, time, and place 6082
of the arrested person's initial appearance. The notice also 6083
shall inform the vehicle owner that if title to a motor vehicle 6084
that is subject to an order for criminal forfeiture under this 6085
section is assigned or transferred and division (B) (2) or (3) of 6086
section 4503.234 of the Revised Code applies, the court may fine 6087
the arrested person the value of the vehicle. The notice also 6088
shall state that if the vehicle is immobilized under division 6089
(A) of section 4503.233 of the Revised Code, seven days after 6090
the end of the period of immobilization a law enforcement agency 6091
will send the vehicle owner a notice, informing the owner that 6092
if the release of the vehicle is not obtained in accordance with 6093
division (D) (3) of section 4503.233 of the Revised Code, the 6094
vehicle shall be forfeited. The notice also shall inform the 6095
vehicle owner that the vehicle owner may be charged expenses or 6096
charges incurred under this section and section 4503.233 of the 6097
Revised Code for the removal and storage of the vehicle. 6098

The written notice that is given to the arrested person 6099
also shall state that if the person is convicted of or pleads 6100
guilty to the offense and the court issues an immobilization and 6101
impoundment order relative to that vehicle, division (D) (4) of 6102
section 4503.233 of the Revised Code prohibits the vehicle from 6103
being sold during the period of immobilization without the prior 6104
approval of the court. 6105

(4) At or before the initial appearance, the vehicle owner 6106

may file a motion requesting the court to order that the vehicle 6107
and its license plates be released to the vehicle owner. Except 6108
as provided in this division and subject to the payment of 6109
expenses or charges incurred in the removal and storage of the 6110
vehicle, the court, in its discretion, then may issue an order 6111
releasing the vehicle and its license plates to the vehicle 6112
owner. Such an order may be conditioned upon such terms as the 6113
court determines appropriate, including the posting of a bond in 6114
an amount determined by the court. If the arrested person is not 6115
the vehicle owner and if the vehicle owner is not present at the 6116
arrested person's initial appearance, and if the court believes 6117
that the vehicle owner was not provided with adequate notice of 6118
the initial appearance, the court, in its discretion, may allow 6119
the vehicle owner to file a motion within seven days of the 6120
initial appearance. If the court allows the vehicle owner to 6121
file such a motion after the initial appearance, the extension 6122
of time granted by the court does not extend the time within 6123
which the initial appearance is to be conducted. If the court 6124
issues an order for the release of the vehicle and its license 6125
plates, a copy of the order shall be made available to the 6126
vehicle owner. If the vehicle owner presents a copy of the order 6127
to the law enforcement agency that employs the law enforcement 6128
officer who arrested the arrested person, the law enforcement 6129
agency promptly shall release the vehicle and its license plates 6130
to the vehicle owner upon payment by the vehicle owner of any 6131
expenses or charges incurred in the removal and storage of the 6132
vehicle. 6133

(5) A vehicle seized under division (B) (1) of this section 6134
either shall be towed to a place specified by the law 6135
enforcement agency that employs the arresting officer to be 6136
safely kept by the agency at that place for the time and in the 6137

manner specified in this section or shall be otherwise 6138
immobilized for the time and in the manner specified in this 6139
section. The license plates shall remain on the seized vehicle 6140
unless otherwise ordered by the court. No vehicle that is seized 6141
and either towed or immobilized pursuant to this division shall 6142
be considered contraband for purposes of Chapter 2981. of the 6143
Revised Code. The vehicle shall not be immobilized at any place 6144
other than a commercially operated private storage lot, a place 6145
owned by a law enforcement agency or other government agency, or 6146
a place to which one of the following applies: 6147

(a) The place is leased by or otherwise under the control 6148
of a law enforcement agency or other government agency. 6149

(b) The place is owned by the vehicle operator, the 6150
vehicle operator's spouse, or a parent or child of the vehicle 6151
operator. 6152

(c) The place is owned by a private person or entity, and, 6153
prior to the immobilization, the private entity or person that 6154
owns the place, or the authorized agent of that private entity 6155
or person, has given express written consent for the 6156
immobilization to be carried out at that place. 6157

(d) The place is a street or highway on which the vehicle 6158
is parked in accordance with the law. 6159

(C) (1) A vehicle seized under division (B) of this section 6160
shall be safely kept at the place to which it is towed or 6161
otherwise moved by the law enforcement agency that employs the 6162
arresting officer until the initial appearance of the arrested 6163
person relative to the charge in question. The license plates 6164
shall remain on the seized vehicle unless otherwise ordered by 6165
the court. 6166

(2) (a) At the initial appearance or not less than seven 6167
days prior to the date of final disposition, the court shall 6168
notify the arrested person that, if title to a motor vehicle 6169
that is subject to an order for criminal forfeiture under this 6170
section is assigned or transferred and division (B) (2) or (3) of 6171
section 4503.234 of the Revised Code applies, the court may fine 6172
the arrested person the value of the vehicle. If, at the initial 6173
appearance, the arrested person pleads guilty to the violation 6174
of division (A) of section 4511.19 of the Revised Code or of the 6175
municipal OVI ordinance or pleads no contest to and is convicted 6176
of the violation, the court shall impose sentence upon the 6177
person as provided by law or ordinance; the court shall order 6178
the immobilization of the vehicle the arrested person was 6179
operating at the time of the offense if registered in the 6180
arrested person's name and the impoundment of its license plates 6181
under section 4503.233 and section 4511.19 or 4511.193 of the 6182
Revised Code or the criminal forfeiture to the state of the 6183
vehicle if registered in the arrested person's name under 6184
section 4503.234 and section 4511.19 or 4511.193 of the Revised 6185
Code, whichever is applicable; and the vehicle and its license 6186
plates shall not be returned or released to the arrested person. 6187

(b) If, at any time, the charge that the arrested person 6188
violated division (A) of section 4511.19 of the Revised Code or 6189
the municipal OVI ordinance is dismissed for any reason, the 6190
court shall order that the vehicle seized at the time of the 6191
arrest and its license plates immediately be released to the 6192
person. 6193

(D) If a vehicle and its license plates are seized under 6194
division (B) of this section and are not returned or released to 6195
the arrested person pursuant to division (C) of this section, 6196
the vehicle and its license plates shall be retained until the 6197

final disposition of the charge in question. Upon the final 6198
disposition of that charge, the court shall do whichever of the 6199
following is applicable: 6200

(1) If the arrested person is convicted of or pleads 6201
guilty to the violation of division (A) of section 4511.19 of 6202
the Revised Code or of the municipal OVI ordinance, the court 6203
shall impose sentence upon the person as provided by law or 6204
ordinance and shall order the immobilization of the vehicle the 6205
person was operating at the time of the offense if it is 6206
registered in the arrested person's name and the impoundment of 6207
its license plates under section 4503.233 and section 4511.19 or 6208
4511.193 of the Revised Code, or the criminal forfeiture of the 6209
vehicle if it is registered in the arrested person's name under 6210
section 4503.234 and section 4511.19 or 4511.193 of the Revised 6211
Code, whichever is applicable. 6212

(2) If the arrested person is found not guilty of the 6213
violation of division (A) of section 4511.19 of the Revised Code 6214
or of the municipal OVI ordinance, the court shall order that 6215
the vehicle and its license plates immediately be released to 6216
the arrested person. 6217

(3) If the charge that the arrested person violated 6218
division (A) of section 4511.19 of the Revised Code or the 6219
municipal OVI ordinance is dismissed for any reason, the court 6220
shall order that the vehicle and its license plates immediately 6221
be released to the arrested person. 6222

(4) If the impoundment of the vehicle was not authorized 6223
under this section, the court shall order that the vehicle and 6224
its license plates be returned immediately to the arrested 6225
person or, if the arrested person is not the vehicle owner, to 6226
the vehicle owner, and shall order that the state or political 6227

subdivision of the law enforcement agency served by the law 6228
enforcement officer who seized the vehicle pay all expenses and 6229
charges incurred in its removal and storage. 6230

(E) If a vehicle is seized under division (B) of this 6231
section, the time between the seizure of the vehicle and either 6232
its release to the arrested person under division (C) of this 6233
section or the issuance of an order of immobilization of the 6234
vehicle under section 4503.233 of the Revised Code shall be 6235
credited against the period of immobilization ordered by the 6236
court. 6237

(F) (1) Except as provided in division (D) (4) of this 6238
section, the arrested person may be charged expenses or charges 6239
incurred in the removal and storage of the immobilized vehicle. 6240
The court with jurisdiction over the case, after notice to all 6241
interested parties, including lienholders, and after an 6242
opportunity for them to be heard, if the court finds that the 6243
arrested person does not intend to seek release of the vehicle 6244
at the end of the period of immobilization under section 6245
4503.233 of the Revised Code or that the arrested person is not 6246
or will not be able to pay the expenses and charges incurred in 6247
its removal and storage, may order that title to the vehicle be 6248
transferred, in order of priority, first into the name of the 6249
person or entity that removed it, next into the name of a 6250
lienholder, or lastly into the name of the owner of the place of 6251
storage. 6252

Any lienholder that receives title under a court order 6253
shall do so on the condition that it pay any expenses or charges 6254
incurred in the vehicle's removal and storage. If the person or 6255
entity that receives title to the vehicle is the person or 6256
entity that removed it, the person or entity shall receive title 6257

on the condition that it pay any lien on the vehicle. The court 6258
shall not order that title be transferred to any person or 6259
entity other than the owner of the place of storage if the 6260
person or entity refuses to receive the title. Any person or 6261
entity that receives title either may keep title to the vehicle 6262
or may dispose of the vehicle in any legal manner that it 6263
considers appropriate, including assignment of the certificate 6264
of title to the motor vehicle to a salvage dealer or a scrap 6265
metal processing facility. The person or entity shall not 6266
transfer the vehicle to the person who is the vehicle's 6267
immediate previous owner. 6268

If the person or entity that receives title assigns the 6269
motor vehicle to a salvage dealer or scrap metal processing 6270
facility, the person or entity shall send the assigned 6271
certificate of title to the motor vehicle to the clerk of the 6272
court of common pleas of the county in which the salvage dealer 6273
or scrap metal processing facility is located. The person or 6274
entity shall mark the face of the certificate of title with the 6275
words "FOR DESTRUCTION" and shall deliver a photocopy of the 6276
certificate of title to the salvage dealer or scrap metal 6277
processing facility for its records. 6278

(2) Whenever a court issues an order under division (F) (1) 6279
of this section, the court also shall order removal of the 6280
license plates from the vehicle and cause them to be sent to the 6281
registrar of motor vehicles if they have not already been sent 6282
to the registrar. Thereafter, no further proceedings shall take 6283
place under this section or under section 4503.233 of the 6284
Revised Code. 6285

(3) Prior to initiating a proceeding under division (F) (1) 6286
of this section, and upon payment of the fee under division (B) 6287

of section 4505.14 of the Revised Code, any interested party may 6288
cause a search to be made of the public records of the bureau of 6289
motor vehicles or the clerk of the court of common pleas, to 6290
ascertain the identity of any lienholder of the vehicle. The 6291
initiating party shall furnish this information to the clerk of 6292
the court with jurisdiction over the case, and the clerk shall 6293
provide notice to the arrested person, any lienholder, and any 6294
other interested parties listed by the initiating party, at the 6295
last known address supplied by the initiating party, by 6296
certified mail or, at the option of the initiating party, by 6297
personal service or ordinary mail. 6298

Section 2. That existing sections 1547.99, 1905.01, 6299
2903.06, 2903.08, 2919.22, 2929.14, 2929.142, 3327.10, 4510.13, 6300
4510.14, 4510.17, 4510.31, 4510.54, 4511.19, 4511.191, 4511.193, 6301
and 4511.195 of the Revised Code are hereby repealed. 6302