

As Introduced

136th General Assembly

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H. B. No. 200

Representatives Click, Santucci

**Cosponsors: Representatives Fischer, King, Bird, Hall, T., Demetriou, John, Dean,
Gross, Williams**

To amend sections 2909.30, 2929.15, 2929.16, 1
2929.17, 2929.25, 5747.50, 5747.502, 5747.51, 2
and 5747.53; to amend, for the purpose of 3
adopting a new section number as indicated in 4
parentheses, section 2909.30 (2965.03); and to 5
enact sections 2965.01, 2965.02, 2965.04, 6
2965.05, 2965.06, 5747.504, and 5747.505 of the 7
Revised Code to enact the America First Act to 8
prohibit a person who is unlawfully present in 9
the United States from entering or being present 10
in Ohio, to require law enforcement agencies and 11
detention facilities to cooperate in the 12
enforcement of federal immigration laws, and to 13
withhold state local government funds from a 14
subdivision that does not abide by the act. 15

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

Section 1. That sections 2909.30, 2929.15, 2929.16, 16
2929.17, 2929.25, 5747.50, 5747.502, 5747.51, and 5747.53 be 17
amended; section 2909.30 (2965.03) be amended for the purpose of 18
adopting a new section number as indicated in parentheses; and 19

sections 2965.01, 2965.02, 2965.04, 2965.05, 2965.06, 5747.504, 20
and 5747.505 of the Revised Code be enacted to read as follows: 21

Sec. 2929.15. (A) (1) ~~If~~ Subject to section 2965.04 of the 22
Revised Code, if in sentencing an offender for a felony the 23
court is not required to impose a prison term, a mandatory 24
prison term, or a term of life imprisonment upon the offender, 25
the court may directly impose a sentence that consists of one or 26
more community control sanctions authorized pursuant to section 27
2929.16, 2929.17, or 2929.18 of the Revised Code. If the court 28
is sentencing an offender for a fourth degree felony OVI offense 29
under division (G) (1) of section 2929.13 of the Revised Code, in 30
addition to the mandatory term of local incarceration imposed 31
under that division and the mandatory fine required by division 32
(B) (3) of section 2929.18 of the Revised Code, the court may 33
impose upon the offender a community control sanction or 34
combination of community control sanctions in accordance with 35
sections 2929.16 and 2929.17 of the Revised Code. If the court 36
is sentencing an offender for a third or fourth degree felony 37
OVI offense under division (G) (2) of section 2929.13 of the 38
Revised Code, in addition to the mandatory prison term or 39
mandatory prison term and additional prison term imposed under 40
that division, the court also may impose upon the offender a 41
community control sanction or combination of community control 42
sanctions under section 2929.16 or 2929.17 of the Revised Code, 43
but the offender shall serve all of the prison terms so imposed 44
prior to serving the community control sanction. 45

The duration of all community control sanctions imposed on 46
an offender under this division shall not exceed five years. If 47
the offender absconds or otherwise leaves the jurisdiction of 48
the court in which the offender resides without obtaining 49
permission from the court or the offender's probation officer to 50

leave the jurisdiction of the court, or if the offender is 51
confined in any institution for the commission of any offense 52
while under a community control sanction, the period of the 53
community control sanction ceases to run until the offender is 54
brought before the court for its further action. If the court 55
sentences the offender to one or more nonresidential sanctions 56
under section 2929.17 of the Revised Code, the court shall 57
impose as a condition of the nonresidential sanctions that, 58
during the period of the sanctions, the offender must abide by 59
the law and must not leave the state without the permission of 60
the court or the offender's probation officer. The court may 61
impose any other conditions of release under a community control 62
sanction that the court considers appropriate, including, but 63
not limited to, requiring that the offender not ingest or be 64
injected with a drug of abuse and submit to random drug testing 65
as provided in division (D) of this section to determine whether 66
the offender ingested or was injected with a drug of abuse and 67
requiring that the results of the drug test indicate that the 68
offender did not ingest or was not injected with a drug of 69
abuse. 70

(2) (a) If a court sentences an offender to any community 71
control sanction or combination of community control sanctions 72
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 73
the Revised Code, the court shall place the offender under the 74
general control and supervision of a department of probation in 75
the county that serves the court for purposes of reporting to 76
the court a violation of any condition of the sanctions, any 77
condition of release under a community control sanction imposed 78
by the court, a violation of law, or the departure of the 79
offender from this state without the permission of the court or 80
the offender's probation officer. Alternatively, if the offender 81

resides in another county and a county department of probation 82
has been established in that county or that county is served by 83
a multicounty probation department established under section 84
2301.27 of the Revised Code, the court may request the court of 85
common pleas of that county to receive the offender into the 86
general control and supervision of that county or multicounty 87
department of probation for purposes of reporting to the court a 88
violation of any condition of the sanctions, any condition of 89
release under a community control sanction imposed by the court, 90
a violation of law, or the departure of the offender from this 91
state without the permission of the court or the offender's 92
probation officer, subject to the jurisdiction of the trial 93
judge over and with respect to the person of the offender, and 94
to the rules governing that department of probation. 95

If there is no department of probation in the county that 96
serves the court, the court shall place the offender, regardless 97
of the offender's county of residence, under the general control 98
and supervision of the adult parole authority, unless the court 99
has entered into an agreement with the authority as described in 100
division (B) or (C) of section 2301.32 of the Revised Code, or 101
under an entity authorized under division (B) of section 2301.27 102
of the Revised Code to provide probation and supervisory 103
services to counties for purposes of reporting to the court a 104
violation of any of the sanctions, any condition of release 105
under a community control sanction imposed by the court, a 106
violation of law, or the departure of the offender from this 107
state without the permission of the court or the offender's 108
probation officer. 109

(b) If the court imposing sentence on an offender 110
sentences the offender to any community control sanction or 111
combination of community control sanctions authorized pursuant 112

to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 113
if the offender violates any condition of the sanctions, 114
violates any condition of release under a community control 115
sanction imposed by the court, violates any law, or departs the 116
state without the permission of the court or the offender's 117
probation officer, the public or private person or entity that 118
operates or administers the sanction or the program or activity 119
that comprises the sanction shall report the violation or 120
departure directly to the sentencing court, or shall report the 121
violation or departure to the county or multicounty department 122
of probation with general control and supervision over the 123
offender under division (A) (2) (a) of this section or the officer 124
of that department who supervises the offender, or, if there is 125
no such department with general control and supervision over the 126
offender under that division, to the adult parole authority 127
unless the court has entered into an agreement with the 128
authority as described in division (B) or (C) of section 2301.32 129
of the Revised Code, or to an entity authorized under division 130
(B) of section 2301.27 of the Revised Code to provide probation 131
and supervisory services to the county. If the public or private 132
person or entity that operates or administers the sanction or 133
the program or activity that comprises the sanction reports the 134
violation or departure to the county or multicounty department 135
of probation, the adult parole authority, or any other entity 136
providing probation and supervisory services to the county, the 137
department's, authority's, or other entity's officers may treat 138
the offender as if the offender were on probation and in 139
violation of the probation, and shall report the violation of 140
the condition of the sanction, any condition of release under a 141
community control sanction imposed by the court, the violation 142
of law, or the departure from the state without the required 143
permission to the sentencing court. 144

(3) If an offender who is eligible for community control 145
sanctions under this section admits to having a drug addiction 146
or the court has reason to believe that the offender has a drug 147
addiction, and if the offense for which the offender is being 148
sentenced was related to the addiction, the court may require 149
that the offender be assessed by a properly credentialed 150
professional within a specified period of time and shall require 151
the professional to file a written assessment of the offender 152
with the court. If a court imposes treatment and recovery 153
support services as a community control sanction, the court 154
shall direct the level and type of treatment and recovery 155
support services after consideration of the written assessment, 156
if available at the time of sentencing, and recommendations of 157
the professional and other treatment and recovery support 158
services providers. 159

(4) If an assessment completed pursuant to division (A) (3) 160
of this section indicates that the offender has an addiction to 161
drugs or alcohol, the court may include in any community control 162
sanction imposed for a violation of section 2925.02, 2925.03, 163
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 164
2925.36, or 2925.37 of the Revised Code a requirement that the 165
offender participate in alcohol and drug addiction services and 166
recovery supports certified under section 5119.36 of the Revised 167
Code or offered by a properly credentialed community addiction 168
services provider. 169

(B) (1) Except as provided in division (B) (2) of this 170
section, if the conditions of a community control sanction 171
imposed for a felony are violated or if the offender violates a 172
law or leaves the state without the permission of the court or 173
the offender's probation officer, the sentencing court may 174
impose on the violator one or more of the following penalties: 175

(a) A longer time under the same sanction if the total 176
time under the sanctions does not exceed the five-year limit 177
specified in division (A) of this section; 178

(b) A more restrictive sanction under section 2929.16, 179
2929.17, or 2929.18 of the Revised Code, including but not 180
limited to, a new term in a community-based correctional 181
facility, halfway house, or jail pursuant to division (A)(6) of 182
section 2929.16 of the Revised Code; 183

(c) A prison term on the offender pursuant to section 184
2929.14 of the Revised Code and division (B)(3) of this section, 185
provided that a prison term imposed under this division is 186
subject to the following limitations and rules, as applicable: 187

(i) If the prison term is imposed for any technical 188
violation of the conditions of a community control sanction 189
imposed for a felony of the fifth degree, the prison term shall 190
not exceed ninety days, provided that if the remaining period of 191
community control at the time of the violation or the remaining 192
period of the reserved prison sentence at that time is less than 193
ninety days, the prison term shall not exceed the length of the 194
remaining period of community control or the remaining period of 195
the reserved prison sentence. If the court imposes a prison term 196
as described in this division, division (B)(2)(b) of this 197
section applies. 198

(ii) If the prison term is imposed for any technical 199
violation of the conditions of a community control sanction 200
imposed for a felony of the fourth degree that is not an offense 201
of violence and is not a sexually oriented offense, the prison 202
term shall not exceed one hundred eighty days, provided that if 203
the remaining period of the community control at the time of the 204
violation or the remaining period of the reserved prison 205

sentence at that time is less than one hundred eighty days, the 206
prison term shall not exceed the length of the remaining period 207
of community control or the remaining period of the reserved 208
prison sentence. If the court imposes a prison term as described 209
in this division, division (B) (2) (b) of this section applies. 210

(iii) A court is not limited in the number of times it may 211
sentence an offender to a prison term under division (B) (1) (c) 212
of this section for a violation of the conditions of a community 213
control sanction or for a violation of a law or leaving the 214
state without the permission of the court or the offender's 215
probation officer. If an offender who is under a community 216
control sanction violates the conditions of the sanction or 217
violates a law or leaves the state without the permission of the 218
court or the offender's probation officer, is sentenced to a 219
prison term for the violation or conduct, is released from the 220
term after serving it, and subsequently violates the conditions 221
of the sanction or violates a law or leaves the state without 222
the permission of the court or the offender's probation officer, 223
the court may impose a new prison term sanction on the offender 224
under division (B) (1) (c) of this section for the subsequent 225
violation or conduct. 226

(2) (a) If an offender was acting pursuant to division (B) 227
(2) (b) of section 2925.11 or a related provision of section 228
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 229
doing violated the conditions of a community control sanction 230
based on a minor drug possession offense, as defined in section 231
2925.11 of the Revised Code, or violated section 2925.12, 232
division (C) (1) of section 2925.14, or section 2925.141 of the 233
Revised Code, the sentencing court shall not impose any of the 234
penalties described in division (B) (1) of this section based on 235
the violation. 236

(b) If a court imposes a prison term on an offender under 237
division (B) (1) (c) (i) or (ii) of this section for a technical 238
violation of the conditions of a community control sanction, one 239
of the following is applicable with respect to the time that the 240
offender spends in prison under the term: 241

(i) Subject to division (B) (2) (b) (ii) of this section, it 242
shall be credited against the offender's community control 243
sanction that was being served at the time of the violation, and 244
the remaining time under that community control sanction shall 245
be reduced by the time that the offender spends in prison under 246
the prison term. By determination of the court, the offender 247
upon release from the prison term either shall continue serving 248
the remaining time under the community control sanction, as 249
reduced under this division, or shall have the community control 250
sanction terminated. 251

(ii) If, at the time a prison term is imposed for a 252
technical violation, the offender was serving a residential 253
community control sanction imposed under section 2929.16 of the 254
Revised Code, the time spent serving the residential community 255
control sanction shall be credited against the offender's 256
reserved prison sentence, and the remaining time under that 257
residential community control sanction and under the reserved 258
prison sentence shall be reduced by the time that the offender 259
spends in prison under the prison term. By determination of the 260
court, the offender upon release from the prison term either 261
shall continue serving the remaining time under the residential 262
community control sanction, as reduced under this division, or 263
shall have the residential community control sanction 264
terminated. 265

(3) The prison term, if any, imposed on a violator 266

pursuant to this division and division (B) (1) of this section 267
shall be within the range of prison terms described in this 268
division and shall not exceed a prison term from the range of 269
terms specified in the notice provided to the offender at the 270
sentencing hearing pursuant to division (B) (4) of section 271
2929.19 of the Revised Code. The court may reduce the longer 272
period of time that the offender is required to spend under the 273
longer sanction, the more restrictive sanction, or a prison term 274
imposed pursuant to division (B) (1) of this section by the time 275
the offender successfully spent under the sanction that was 276
initially imposed. Except as otherwise specified in this 277
division, the prison term imposed under this division and 278
division (B) (1) of this section shall be within the range of 279
prison terms available as a definite term for the offense for 280
which the sanction that was violated was imposed. If the offense 281
for which the sanction that was violated was imposed is a felony 282
of the first or second degree committed on or after March 22, 283
2019, the prison term so imposed under this division shall be 284
within the range of prison terms available as a minimum term for 285
the offense under division (A) (1) (a) or (2) (a) of section 286
2929.14 of the Revised Code. 287

(C) If an offender, for a significant period of time, 288
fulfills the conditions of a sanction imposed pursuant to 289
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 290
exemplary manner, the court may reduce the period of time under 291
the sanction or impose a less restrictive sanction, but the 292
court shall not permit the offender to violate any law or permit 293
the offender to leave the state without the permission of the 294
court or the offender's probation officer. 295

(D) (1) If a court under division (A) (1) of this section 296
imposes a condition of release under a community control 297

sanction that requires the offender to submit to random drug 298
testing, the department of probation, the adult parole 299
authority, or any other entity that has general control and 300
supervision of the offender under division (A) (2) (a) of this 301
section may cause the offender to submit to random drug testing 302
performed by a laboratory or entity that has entered into a 303
contract with any of the governmental entities or officers 304
authorized to enter into a contract with that laboratory or 305
entity under section 341.26, 753.33, or 5120.63 of the Revised 306
Code. 307

(2) If no laboratory or entity described in division (D) 308
(1) of this section has entered into a contract as specified in 309
that division, the department of probation, the adult parole 310
authority, or any other entity that has general control and 311
supervision of the offender under division (A) (2) (a) of this 312
section shall cause the offender to submit to random drug 313
testing performed by a reputable public laboratory to determine 314
whether the individual who is the subject of the drug test 315
ingested or was injected with a drug of abuse. 316

(3) A laboratory or entity that has entered into a 317
contract pursuant to section 341.26, 753.33, or 5120.63 of the 318
Revised Code shall perform the random drug tests under division 319
(D) (1) of this section in accordance with the applicable 320
standards that are included in the terms of that contract. A 321
public laboratory shall perform the random drug tests under 322
division (D) (2) of this section in accordance with the standards 323
set forth in the policies and procedures established by the 324
department of rehabilitation and correction pursuant to section 325
5120.63 of the Revised Code. An offender who is required under 326
division (A) (1) of this section to submit to random drug testing 327
as a condition of release under a community control sanction and 328

whose test results indicate that the offender ingested or was 329
injected with a drug of abuse shall pay the fee for the drug 330
test if the department of probation, the adult parole authority, 331
or any other entity that has general control and supervision of 332
the offender requires payment of a fee. A laboratory or entity 333
that performs the random drug testing on an offender under 334
division (D) (1) or (2) of this section shall transmit the 335
results of the drug test to the appropriate department of 336
probation, the adult parole authority, or any other entity that 337
has general control and supervision of the offender under 338
division (A) (2) (a) of this section. 339

(E) As used in this section, "technical violation" means a 340
violation of the conditions of a community control sanction 341
imposed for a felony of the fifth degree, or for a felony of the 342
fourth degree that is not an offense of violence and is not a 343
sexually oriented offense, and to which neither of the following 344
applies: 345

(1) The violation consists of a new criminal offense that 346
is a felony or that is a misdemeanor other than a minor 347
misdemeanor, and the violation is committed while under the 348
community control sanction. 349

(2) The violation consists of or includes the offender's 350
articulated or demonstrated refusal to participate in the 351
community control sanction imposed on the offender or any of its 352
conditions, and the refusal demonstrates to the court that the 353
offender has abandoned the objects of the community control 354
sanction or condition. 355

Sec. 2929.16. (A) Except as provided in this division or 356
in section 2965.04 of the Revised Code, the court imposing a 357
sentence for a felony upon an offender who is not required to 358

serve a mandatory prison term may impose any community 359
residential sanction or combination of community residential 360
sanctions under this section. The court imposing a sentence for 361
a fourth degree felony OVI offense under division (G) (1) or (2) 362
of section 2929.13 of the Revised Code or for a third degree 363
felony OVI offense under division (G) (2) of that section may 364
impose upon the offender, in addition to the mandatory term of 365
local incarceration or mandatory prison term imposed under the 366
applicable division, a community residential sanction or 367
combination of community residential sanctions under this 368
section, and the offender shall serve or satisfy the sanction or 369
combination of sanctions after the offender has served the 370
mandatory term of local incarceration or mandatory prison term 371
required for the offense. Community residential sanctions 372
include, but are not limited to, the following: 373

(1) Except as otherwise provided in division (A) (6) of 374
this section, a term of up to six months at a community-based 375
correctional facility that serves the county; 376

(2) Except as otherwise provided in division (A) (3) or (6) 377
of this section and subject to division (D) of this section, a 378
term of up to six months in a jail; 379

(3) If the offender is convicted of a fourth degree felony 380
OVI offense and is sentenced under division (G) (1) of section 381
2929.13 of the Revised Code, subject to division (D) of this 382
section, a term of up to one year in a jail less the mandatory 383
term of local incarceration of sixty or one hundred twenty 384
consecutive days of imprisonment imposed pursuant to that 385
division; 386

(4) A term in a halfway house; 387

(5) A term in an alternative residential facility; 388

(6) If the offender is sentenced to a community control 389
sanction and violates the conditions of the sanction, a new term 390
of up to six months in a community-based correctional facility 391
that serves the county, in a halfway house, or in a jail, which 392
term shall be in addition to any other term imposed under this 393
division. 394

(B) The court that assigns any offender convicted of a 395
felony to a residential sanction under this section may 396
authorize the offender to be released so that the offender may 397
seek or maintain employment, receive education or training, or 398
receive treatment. A release pursuant to this division shall be 399
only for the duration of time that is needed to fulfill the 400
purpose of the release and for travel that reasonably is 401
necessary to fulfill the purposes of the release. 402

(C) If the court assigns an offender to a county jail that 403
is not a minimum security misdemeanor jail in a county that has 404
established a county jail industry program pursuant to section 405
5147.30 of the Revised Code, the court shall specify, as part of 406
the sentence, whether the sheriff of that county may consider 407
the offender for participation in the county jail industry 408
program. During the offender's term in the county jail, the 409
court shall retain jurisdiction to modify its specification upon 410
a reassessment of the offender's qualifications for 411
participation in the program. 412

(D) If a court sentences an offender to a term in jail 413
under division (A) (2), (3), or (6) of this section and if the 414
sentence is imposed for a felony of the fourth or fifth degree 415
that is not an offense of violence, the court may specify that 416
it prefers that the offender serve the term in a minimum 417

security jail established under section 341.34 or 753.21 of the 418
Revised Code. If the court includes a specification of that type 419
in the sentence and if the administrator of the appropriate 420
minimum security jail or the designee of that administrator 421
classifies the offender in accordance with section 341.34 or 422
753.21 of the Revised Code as a minimal security risk, the 423
offender shall serve the term in the minimum security jail 424
established under section 341.34 or 753.21 of the Revised Code. 425
Absent a specification of that type and a finding of that type, 426
the offender shall serve the term in a jail other than a minimum 427
security jail established under section 341.34 or 753.21 of the 428
Revised Code. 429

(E) If a person who has been convicted of or pleaded 430
guilty to a felony is sentenced to a community residential 431
sanction as described in division (A) of this section, at the 432
time of reception and at other times the person in charge of the 433
operation of the community-based correctional facility, jail, 434
halfway house, alternative residential facility, or other place 435
at which the offender will serve the residential sanction 436
determines to be appropriate, the person in charge of the 437
operation of the community-based correctional facility, jail, 438
halfway house, alternative residential facility, or other place 439
may cause the convicted offender to be examined and tested for 440
tuberculosis, HIV infection, hepatitis, including but not 441
limited to hepatitis A, B, and C, and other contagious diseases. 442
The person in charge of the operation of the community-based 443
correctional facility, jail, halfway house, alternative 444
residential facility, or other place at which the offender will 445
serve the residential sanction may cause a convicted offender in 446
the community-based correctional facility, jail, halfway house, 447
alternative residential facility, or other place who refuses to 448

be tested or treated for tuberculosis, HIV infection, hepatitis, 449
including but not limited to hepatitis A, B, and C, or another 450
contagious disease to be tested and treated involuntarily. 451

Sec. 2929.17. Except as provided in this section or in 452
section 2965.04 of the Revised Code, the court imposing a 453
sentence for a felony upon an offender who is not required to 454
serve a mandatory prison term may impose any nonresidential 455
sanction or combination of nonresidential sanctions authorized 456
under this section. If the court imposes one or more 457
nonresidential sanctions authorized under this section, the 458
court shall impose as a condition of the sanction that, during 459
the period of the nonresidential sanction, the offender shall 460
abide by the law and shall not leave the state without the 461
permission of the court or the offender's probation officer. 462

The court imposing a sentence for a fourth degree felony 463
OVI offense under division (G)(1) or (2) of section 2929.13 of 464
the Revised Code or for a third degree felony OVI offense under 465
division (G)(2) of that section may impose upon the offender, in 466
addition to the mandatory term of local incarceration or 467
mandatory prison term imposed under the applicable division, a 468
nonresidential sanction or combination of nonresidential 469
sanctions under this section, and the offender shall serve or 470
satisfy the sanction or combination of sanctions after the 471
offender has served the mandatory term of local incarceration or 472
mandatory prison term required for the offense. The court shall 473
not impose a term in a drug treatment program as described in 474
division (D) of this section until after considering an 475
assessment by a properly credentialed treatment professional, if 476
available. Nonresidential sanctions include, but are not limited 477
to, the following: 478

(A) A term of day reporting;	479
(B) A term of house arrest with electronic monitoring or	480
continuous alcohol monitoring or both electronic monitoring and	481
continuous alcohol monitoring, a term of electronic monitoring	482
or continuous alcohol monitoring without house arrest, or a term	483
of house arrest without electronic monitoring or continuous	484
alcohol monitoring;	485
(C) A term of community service of up to five hundred	486
hours pursuant to division (B) of section 2951.02 of the Revised	487
Code or, if the court determines that the offender is	488
financially incapable of fulfilling a financial sanction	489
described in section 2929.18 of the Revised Code, a term of	490
community service as an alternative to a financial sanction;	491
(D) A term in a drug treatment program with a level of	492
security for the offender as determined by the court;	493
(E) A term of intensive probation supervision;	494
(F) A term of basic probation supervision;	495
(G) A term of monitored time;	496
(H) A term of drug and alcohol use monitoring, including	497
random drug testing;	498
(I) A curfew term;	499
(J) A requirement that the offender obtain employment;	500
(K) A requirement that the offender obtain education or	501
training;	502
(L) Provided the court obtains the prior approval of the	503
victim, a requirement that the offender participate in victim-	504
offender mediation;	505

(M) A license violation report; 506

(N) If the offense is a violation of section 2919.25 or a 507
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 508
Code involving a person who was a family or household member at 509
the time of the violation, if the offender committed the offense 510
in the vicinity of one or more children who are not victims of 511
the offense, and if the offender or the victim of the offense is 512
a parent, guardian, custodian, or person in loco parentis of one 513
or more of those children, a requirement that the offender 514
obtain counseling. This division does not limit the court in 515
requiring the offender to obtain counseling for any offense or 516
in any circumstance not specified in this division. 517

(O) If the offense is a violation of section 2907.04 of 518
the Revised Code and the offender was under twenty-one years of 519
age at the time of committing the offense, a requirement that 520
the offender participate in a sex offender treatment program 521
certified by the department of rehabilitation and correction 522
pursuant to section 2950.16 of the Revised Code. 523

Sec. 2929.25. (A) (1) Except as provided in sections 524
2929.22 ~~and~~, 2929.23, and 2965.04 of the Revised Code or when a 525
jail term is required by law, in sentencing an offender for a 526
misdemeanor, other than a minor misdemeanor, the sentencing 527
court may do either of the following: 528

(a) Directly impose a sentence that consists of one or 529
more community control sanctions authorized by section 2929.26, 530
2929.27, or 2929.28 of the Revised Code. The court may impose 531
any other conditions of release under a community control 532
sanction that the court considers appropriate. If the court 533
imposes a jail term upon the offender, the court may impose any 534
community control sanction or combination of community control 535

sanctions in addition to the jail term. 536

(b) Impose a jail term under section 2929.24 of the 537
Revised Code from the range of jail terms authorized under that 538
section for the offense, suspend all or a portion of the jail 539
term imposed, and place the offender under a community control 540
sanction or combination of community control sanctions 541
authorized under section 2929.26, 2929.27, or 2929.28 of the 542
Revised Code. 543

(2) The duration of all community control sanctions 544
imposed upon an offender and in effect for an offender at any 545
time shall not exceed five years. 546

(3) At sentencing, if a court directly imposes a community 547
control sanction or combination of community control sanctions 548
pursuant to division (A)(1)(a) or (B) of this section, the court 549
shall state the duration of the community control sanctions 550
imposed and shall notify the offender that if any of the 551
conditions of the community control sanctions are violated the 552
court may do any of the following: 553

(a) Impose a longer time under the same community control 554
sanction if the total time under all of the offender's community 555
control sanctions does not exceed the five-year limit specified 556
in division (A)(2) of this section; 557

(b) Impose a more restrictive community control sanction 558
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 559
but the court is not required to impose any particular sanction 560
or sanctions; 561

(c) Impose a definite jail term from the range of jail 562
terms authorized for the offense under section 2929.24 of the 563
Revised Code. 564

(B) If a court sentences an offender to any community control sanction or combination of community control sanctions pursuant to division (A) (1) (a) of this section, the sentencing court retains jurisdiction over the offender and the period of community control for the duration of the period of community control. Upon the motion of either party or on the court's own motion, the court, in the court's sole discretion and as the circumstances warrant, may modify the community control sanctions or conditions of release previously imposed, substitute a community control sanction or condition of release for another community control sanction or condition of release previously imposed, or impose an additional community control sanction or condition of release.

(C) (1) If a court sentences an offender to any community control sanction or combination of community control sanctions authorized under section 2929.26, 2929.27, or 2929.28 of the Revised Code, the court shall place the offender under the general control and supervision of the court or of a department of probation in the jurisdiction that serves the court for purposes of reporting to the court a violation of any of the conditions of the sanctions imposed. If the offender resides in another jurisdiction and a department of probation has been established to serve the municipal court or county court in that jurisdiction, the sentencing court may request the municipal court or the county court to receive the offender into the general control and supervision of that department of probation for purposes of reporting to the sentencing court a violation of any of the conditions of the sanctions imposed. The sentencing court retains jurisdiction over any offender whom it sentences for the duration of the sanction or sanctions imposed.

(2) The sentencing court shall require as a condition of

any community control sanction that the offender abide by the 596
law and not leave the state without the permission of the court 597
or the offender's probation officer. In the interests of doing 598
justice, rehabilitating the offender, and ensuring the 599
offender's good behavior, the court may impose additional 600
requirements on the offender. The offender's compliance with the 601
additional requirements also shall be a condition of the 602
community control sanction imposed upon the offender. 603

(D) (1) If the court imposing sentence upon an offender 604
sentences the offender to any community control sanction or 605
combination of community control sanctions authorized under 606
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 607
the offender violates any of the conditions of the sanctions, 608
the public or private person or entity that supervises or 609
administers the program or activity that comprises the sanction 610
shall report the violation directly to the sentencing court or 611
to the department of probation or probation officer with general 612
control and supervision over the offender. If the public or 613
private person or entity reports the violation to the department 614
of probation or probation officer, the department or officer 615
shall report the violation to the sentencing court. 616

(2) Except as provided in division (D) (3) of this section, 617
if an offender violates any condition of a community control 618
sanction, the sentencing court may impose upon the violator one 619
or more of the following penalties: 620

(a) A longer time under the same community control 621
sanction if the total time under all of the community control 622
sanctions imposed on the violator does not exceed the five-year 623
limit specified in division (A) (2) of this section; 624

(b) A more restrictive community control sanction; 625

(c) A combination of community control sanctions, 626
including a jail term. 627

(3) If an offender was acting pursuant to division (B) (2) 628
(b) of section 2925.11 or a related provision under section 629
2925.12, 2925.14, or 2925.141 of the Revised Code and in so 630
doing violated the conditions of a community control sanction 631
based on a minor drug possession offense, as defined in section 632
2925.11 of the Revised Code, or violated section 2925.12, 633
division (C) (1) of section 2925.14, or section 2925.141 of the 634
Revised Code, the sentencing court shall not impose any of the 635
penalties described in division (D) (2) of this section based on 636
the violation. 637

(4) If the court imposes a jail term upon a violator 638
pursuant to division (D) (2) of this section, the total time 639
spent in jail for the misdemeanor offense and the violation of a 640
condition of the community control sanction shall not exceed the 641
maximum jail term available for the offense for which the 642
sanction that was violated was imposed. The court may reduce the 643
longer period of time that the violator is required to spend 644
under the longer sanction or the more restrictive sanction 645
imposed under division (D) (2) of this section by all or part of 646
the time the violator successfully spent under the sanction that 647
was initially imposed. 648

(E) Except as otherwise provided in this division, if an 649
offender, for a significant period of time, fulfills the 650
conditions of a community control sanction imposed pursuant to 651
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 652
exemplary manner, the court may reduce the period of time under 653
the community control sanction or impose a less restrictive 654
community control sanction. Fulfilling the conditions of a 655

community control sanction does not relieve the offender of a 656
duty to make restitution under section 2929.28 of the Revised 657
Code. 658

Sec. 2965.01. As used in this chapter: 659

(A) "Alien" means an individual who is not a citizen or 660
national of the United States. 661

(B) "Detention facility" means all of the following: 662

(1) A state correctional institution, as defined in 663
section 2967.01 of the Revised Code; 664

(2) A state correctional institution that is privately 665
operated and managed pursuant to section 9.06 of the Revised 666
Code; 667

(3) An institution, as defined in section 5139.01 of the 668
Revised Code; 669

(4) A county correctional facility, as defined in section 670
341.42 of the Revised Code; 671

(5) A municipal correctional facility, as defined in 672
section 753.32 of the Revised Code. 673

(C) "Law enforcement agency" means a municipal or township 674
police department, the office of a sheriff, the state highway 675
patrol, or any other state or local governmental body that 676
enforces criminal laws and that has employees who have a 677
statutory power of arrest. 678

(D) "Lawful federal request or order" includes a judicial 679
or administrative request or order, such as any of the 680
following: 681

(1) A warrant for arrest, removal, or deportation issued 682

by a court of competent jurisdiction; 683

(2) A warrant for arrest issued by an officer of the 684
United States department of homeland security or its successor 685
agency on form I-200 or its successor form; 686

(3) A warrant of removal or deportation issued by an 687
officer of the United States department of homeland security or 688
its successor agency on form I-205 or its successor form; 689

(4) A detainer issued by an officer of the United States 690
department of homeland security or its successor agency on form 691
I-247 or its successor form. 692

(E) "United States immigration and customs enforcement" 693
means the immigration and customs enforcement section of the 694
United States department of homeland security or its successor 695
agency that performs the same duties with respect to persons who 696
are unlawfully present in the United States. 697

Sec. 2965.02. A law enforcement agency shall do all of the 698
following: 699

(A) Participate in any available program operated by 700
United States immigration and customs enforcement that allows 701
the law enforcement agency to submit to federal authorities 702
information about an arrestee in order to enable those 703
authorities to determine whether the arrestee is unlawfully 704
present in the United States; 705

(B) Report the identity of any arrestee whom a peace 706
officer has reasonable cause to believe is unlawfully present in 707
the United States to United States immigration and customs 708
enforcement not later than twenty-four hours after the arrest; 709

(C) Upon receiving a lawful federal request or order to do 710

so, detain a person who is unlawfully present in the United 711
States for up to forty-eight hours after the person is otherwise 712
scheduled to be released, in order for the person to be 713
transferred into federal custody; 714

(D) Allow its officers or employees to participate in the 715
program established under section 287(g) of the "Immigration and 716
Nationality Act," 8 U.S.C. 1357; 717

(E) Enforce the provisions of this chapter; 718

(F) Otherwise cooperate and comply with federal officials 719
in the enforcement of federal immigration law. 720

Sec. 2909.30 2965.03. (A) A judge of a court of record 721
shall direct the clerk of that court to notify ~~the~~ United States 722
immigration and customs enforcement ~~section of the United States~~ 723
~~department of homeland security~~ when a suspected alien has been 724
convicted of or pleaded guilty to ~~a felony~~ an offense. 725

~~(B)~~ (B) (1) The department of rehabilitation and correction 726
monthly shall compile a list of suspected aliens who are serving 727
a prison term. The list shall include the earliest possible date 728
of release of the offender, whether through expiration of prison 729
term, parole, or other means. The department shall provide a 730
copy of the list to ~~the~~ United States immigration and customs 731
enforcement ~~section of the United States department of homeland~~ 732
~~security for the section that agency~~ to determine whether it 733
wishes custody of the suspected alien. If ~~the~~ United States 734
immigration and customs enforcement ~~section~~ indicates it wishes 735
custody, the department of rehabilitation and correction is 736
responsible for the suspected alien until ~~the section takes~~ 737
federal authorities take custody. 738

(2) A detention facility that is not operated by the 739

department of rehabilitation and correction shall notify United 740
States immigration and customs enforcement not later than 741
twenty-four hours after admitting into custody any individual 742
whom the officer admitting the individual has reasonable cause 743
to believe is unlawfully present in the United States. 744

~~(C) The department of rehabilitation and correction,~~ 745
~~pursuant to a valid detainer lodged against an alien who is not~~ 746
~~legally~~ A detention facility shall do all of the following: 747

(1) Upon receiving a lawful federal request or order to do 748
so, detain a person who is unlawfully present in the United 749
States and who has been convicted of or pleaded guilty to a 750
felony for up to forty-eight hours after the person is otherwise 751
scheduled to be released from the detention facility, shall 752
transfer that alien to in order for the person to be transferred 753
into federal custody of the immigration and enforcement section 754
of the United States department of homeland security upon 755
completion of the alien's prison term; 756

(2) Allow its officers or employees to participate in the 757
program established under section 287(g) of the "Immigration and 758
Nationality Act," 8 U.S.C. 1357; 759

(3) Otherwise cooperate and comply with federal officials 760
in the enforcement of federal immigration law. 761

~~(D) As used in this section, "alien" means an individual~~ 762
~~who is not a citizen of the United States.~~ 763

Sec. 2965.04. (A) No person who is unlawfully present in 764
the United States shall knowingly enter, attempt to enter, or be 765
present in this state. 766

(B) It is an affirmative defense to a charge under 767
division (A) of this section that the defendant was approved for 768

benefits under the federal deferred action for childhood 769
arrivals program between June 15, 2012, and July 16, 2021. 770

(C) (1) Subject to division (C) (3) of this section, if the 771
court finds that a defendant meets any of the following 772
criteria, the court shall order a stay in the case for a 773
renewable period of ninety days until the defendant's 774
citizenship or immigration status is determined: 775

(a) The defendant has applied for and is awaiting an 776
asylum determination. 777

(b) The defendant has been in the United States for less 778
than thirty days and will apply for asylum before the defendant 779
has been present in the United States for thirty days. 780

(c) The defendant entered the United States lawfully, is 781
currently unlawfully present in the United States, and one of 782
the following applies: 783

(i) The defendant has applied for and is awaiting a visa 784
renewal or other legal permission to remain in the United 785
States. 786

(ii) The defendant is in the process of leaving the state 787
or the United States. 788

(2) If a defendant whose case was stayed under division 789
(C) (1) of this section becomes lawfully present in the United 790
States or leaves this state, the court shall dismiss the charge 791
against the defendant under this section with prejudice. 792

(3) Divisions (C) (1) and (2) of this section do not apply 793
to a defendant who is also charged with an offense in addition 794
to a violation of this section, unless the additional offense is 795
a minor misdemeanor. 796

(D) (1) Except as otherwise provided in division (D) (2) of 797
this section, a person who violates this section is guilty of 798
unlawful presence in the state, a felony of the fifth degree. 799

(2) If either of the following apply to the person, 800
unlawful presence in the state is a felony of the fourth degree: 801

(a) The person has previously been convicted of violating 802
this section. 803

(b) Before the offense occurred, the person was excluded, 804
deported, or removed from the United States, or the person 805
departed from the United States while an order of exclusion, 806
deportation, or removal was outstanding, and the person is 807
inadmissible to the United States under 8 U.S.C. 1182(a) (9) (A) 808
or (C). 809

(E) (1) Notwithstanding the range of definite prison terms 810
set forth in division (A) of section 2929.14 of the Revised Code 811
for a felony of the fourth or fifth degree, if an offender is 812
convicted of or pleads guilty to unlawful presence in the state 813
the court shall impose upon the offender a mandatory prison term 814
of twelve months, but may permit the offender to be remanded 815
into federal custody before the conclusion of the twelve-month 816
sentence. 817

(2) If an offender is convicted of or pleads guilty to a 818
fifth degree felony violation of unlawful presence in the state, 819
the court shall impose upon the offender an additional fine of 820
at least five hundred dollars. If an offender is convicted of or 821
pleads guilty to a fourth degree felony violation of unlawful 822
presence in the state, the court shall impose upon the offender 823
an additional fine of at least one thousand dollars. 824

(F) A defendant who is charged with or convicted of an 825

offense under this section is not eligible for community control 826
sanctions, community residential sanctions, or nonresidential 827
sanctions. 828

Sec. 2965.05. Upon a conviction of an offense under 829
section 2965.01 of the Revised Code, the court shall enter both 830
of the following in the judgment in the case: 831

(A) An order that the arresting law enforcement agency do 832
both of the following, if it has not already done so: 833

(1) Collect all available identifying information of the 834
offender, including taking fingerprints from the offender and 835
using other applicable photographic and biometric measures to 836
identify the offender; 837

(2) Cross-reference the identifying information with all 838
relevant local, state, and federal criminal databases and 839
federal lists or classifications used to identify threats or 840
potential threats to national security. 841

(B) An order requiring the offender to exit the state not 842
later than seventy-two hours after the entry of the order or not 843
later than seventy-two hours after the completion of the term of 844
confinement or imprisonment imposed by the judgment, whichever 845
is later. 846

Sec. 2965.06. (A) As used in this section, "qualifying law 847
enforcement agency" means a county sheriff or a law enforcement 848
agency that is created by a township or municipal corporation or 849
of which the township or municipal corporation is a member and 850
by which the township or municipal corporation is served. 851

(B) A person who believes that a qualifying law 852
enforcement agency is not complying with the requirements of 853
this chapter may file a complaint with the attorney general. 854

Upon receiving the complaint, the attorney general shall 855
investigate whether the agency is complying with the 856
requirements of this chapter. If the attorney general finds 857
instances of noncompliance, the attorney general shall submit a 858
report to the tax commissioner listing each such instance and 859
ascribing the instance of noncompliance as follows: 860

(1) If the county sheriff is responsible for the 861
noncompliance, the county; 862

(2) If another qualifying law enforcement agency is 863
responsible for the noncompliance, each municipal corporation or 864
township that created the agency or that is a member of and is 865
served by that agency. 866

The attorney general shall send not more than one report 867
under this section to the tax commissioner each month. 868

Sec. 5747.50. (A) As used in this section: 869

(1) "County's proportionate share of the calendar year 870
2007 LGF and LGRAf distributions" means the percentage computed 871
for the county under division (B) (1) (a) of section 5747.501 of 872
the Revised Code. 873

(2) "County's proportionate share of the total amount of 874
the local government fund additional revenue formula" means each 875
county's proportionate share of the state's population as 876
determined for and certified to the county for distributions to 877
be made during the current calendar year under division (B) (2) 878
(a) of section 5747.501 of the Revised Code. If prior to the 879
first day of January of the current calendar year the federal 880
government has issued a revision to the population figures 881
reflected in the estimate produced pursuant to division (B) (2) 882
(a) of section 5747.501 of the Revised Code, such revised 883

population figures shall be used for making the distributions 884
during the current calendar year. 885

(3) "2007 LGF and LGRAF county distribution base available 886
in that month" means the lesser of the amounts described in 887
division (A)(3)(a) and (b) of this section, provided that the 888
amount shall not be less than zero: 889

(a) The total amount available for distribution to 890
counties from the local government fund during the current 891
month. 892

(b) The total amount distributed to counties from the 893
local government fund and the local government revenue 894
assistance fund to counties in calendar year 2007 less the total 895
amount distributed to counties under division (B)(1) of this 896
section during previous months of the current calendar year. 897

(4) "Local government fund additional revenue distribution 898
base available during that month" means the total amount 899
available for distribution to counties during the month from the 900
local government fund, less any amounts to be distributed in 901
that month from the local government fund under division (B)(1) 902
of this section, provided that the local government fund 903
additional revenue distribution base available during that month 904
shall not be less than zero. 905

(5) "Total amount available for distribution to counties" 906
means the total amount available for distribution from the local 907
government fund during the current month less the total amount 908
available for distribution to municipal corporations during the 909
current month under division (C) of this section. 910

(B) On or before the tenth day of each month, the tax 911
commissioner shall provide for payment to each county an amount 912

equal to the sum of: 913

(1) The county's proportionate share of the calendar year 914
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 915
LGRAF county distribution base available in that month, provided 916
that if the 2007 LGF and LGRAF county distribution base 917
available in that month is zero, no payment shall be made under 918
division (B)(1) of this section for the month or the remainder 919
of the calendar year; and 920

(2) The county's proportionate share of the total amount 921
of the local government fund additional revenue formula 922
multiplied by the local government fund additional revenue 923
distribution base available during that month. 924

Money received into the treasury of a county under this 925
division shall be credited to the undivided local government 926
fund in the treasury of the county on or before the fifteenth 927
day of each month. On or before the twentieth day of each month, 928
the county auditor shall issue warrants against all of the 929
undivided local government fund in the county treasury in the 930
respective amounts allowed as provided in section 5747.51 of the 931
Revised Code, and the treasurer shall distribute and pay such 932
sums to the subdivision therein. 933

(C)(1) As used in division (C) of this section: 934

(a) "Total amount available for distribution to 935
municipalities during the current month" means the difference 936
obtained by subtracting one million dollars from the product 937
obtained by multiplying the total amount available for 938
distribution from the local government fund during the current 939
month by the aggregate municipal share. 940

(b) "Aggregate municipal share" means the quotient 941

obtained by dividing the total amount distributed directly from 942
the local government fund to municipal corporations during 943
calendar year 2007 by the total distributions from the local 944
government fund and local government revenue assistance fund 945
during calendar year 2007. 946

(c) A municipal corporation's "distribution share" equals 947
one of the following: 948

(i) For municipal corporations with a population of more 949
than fifty thousand, fifty thousand; 950

(ii) For municipal corporations with a population of less 951
than one thousand, zero; 952

(iii) For all other municipal corporations, the municipal 953
corporation's population. 954

(d) A municipal corporation's "distribution percentage" 955
equals the percentage that a municipal corporation's 956
distribution share is of the total of all municipal 957
corporations' distribution shares. 958

(2) On or before the tenth day of each month, the tax 959
commissioner shall provide for payment from the local government 960
fund to each municipal corporation an amount equal to the 961
product derived by multiplying the municipal corporation's 962
distribution percentage by the total amount available for 963
distribution to municipal corporations during the current month. 964

(3) Payments received by a municipal corporation under 965
this division shall be paid into its general fund and may be 966
used for any lawful purpose. 967

(4) The amount distributed to municipal corporations under 968
this division during any calendar year shall not exceed the 969

amount distributed directly from the local government fund to 970
municipal corporations during calendar year 2007. If that 971
maximum amount is reached during any month, distributions to 972
municipal corporations in that month shall be as provided in 973
divisions (C) (1) and (2) of this section, but no further 974
distributions shall be made to municipal corporations under 975
division (C) of this section during the remainder of the 976
calendar year. 977

(5) Upon being informed of a municipal corporation's 978
dissolution, the tax commissioner shall cease providing for 979
payments to that municipal corporation under division (C) of 980
this section. The proportionate shares of the total amount 981
available for distribution to each of the remaining municipal 982
corporations under this division shall be increased on a pro 983
rata basis. 984

The tax commissioner shall reduce payments under division 985
(C) of this section to municipal corporations for which reduced 986
payments are required under section 5747.502 or 5747.504 of the 987
Revised Code. 988

(D) Each municipal corporation which has in effect a tax 989
imposed under Chapter 718. of the Revised Code shall, no later 990
than the thirty-first day of August of each year, certify to the 991
tax commissioner, on a form prescribed by the commissioner, the 992
amount of income tax revenue collected and refunded by such 993
municipal corporation pursuant to such chapter during the 994
preceding calendar year, arranged, when possible, by the type of 995
income from which the revenue was collected or the refund was 996
issued. The municipal corporation shall also report the amount 997
of income tax revenue collected and refunded on behalf of a 998
joint economic development district or a joint economic 999

development zone that levies an income tax administered by the 1000
municipal corporation and the amount of such revenue distributed 1001
to contracting parties during the preceding calendar year. The 1002
tax commissioner may withhold payment of local government fund 1003
moneys pursuant to division (C) of this section from any 1004
municipal corporation for failure to comply with this reporting 1005
requirement. 1006

(E) (1) For the purposes of division (E) of this section: 1007

(a) "Eligible taxing district" means a township, township 1008
fire district, or joint fire district for which the total 1009
taxable value of eligible power plants for tax year 2017 is at 1010
least thirty per cent less than the total taxable value of 1011
eligible power plants for tax year 2016. 1012

(b) "Eligible power plant" means a power plant that is 1013
subject to the requirements of 10 C.F.R. part 73. 1014

(c) "Total taxable value of eligible power plants" of an 1015
eligible taxing district means the total taxable value of the 1016
taxable property of eligible power plants apportioned to the 1017
district as shown in a preliminary assessment or amended 1018
preliminary assessment and listed on the tax list of real and 1019
public utility property. 1020

(d) "Taxable property" has the same meaning as in section 1021
5727.01 of the Revised Code. 1022

(e) "Tax rate" of an eligible taxing district means one of 1023
the following: 1024

(i) For townships, the sum of the rates of levies imposed 1025
under section 505.39, 505.51, or division (I), (J), (U), or (JJ) 1026
of section 5705.19 of the Revised Code and extended on the tax 1027
list of real and public utility property for tax year 2017, 1028

excluding any levy imposed at whatever rate is required to raise 1029
a fixed sum of money; 1030

(ii) For township fire districts and joint fire districts, 1031
the sum of the rates of levies extended on the tax list of real 1032
and public utility property for tax year 2017, excluding any 1033
levy imposed at whatever rate is required to raise a fixed sum 1034
of money. 1035

(2) Each fiscal year from fiscal year 2018 through fiscal 1036
year 2028, the tax commissioner shall compute the following 1037
amount for each eligible taxing district: 1038

(a) For fiscal years 2018 and 2019, the amount obtained by 1039
multiplying the eligible taxing district's tax rate by the 1040
difference obtained by subtracting (i) the total taxable value 1041
of eligible power plants of the district for tax year 2017 from 1042
(ii) the total taxable value of eligible power plants of the 1043
district for tax year 2016; 1044

(b) For fiscal years 2020 through 2028, ninety per cent of 1045
the amount calculated for the district under division (E) (2) (a) 1046
or (b) of this section for the preceding fiscal year. 1047

The commissioner shall certify the sum of the amounts 1048
calculated for all eligible taxing districts under this division 1049
for a fiscal year to the director of budget and management who, 1050
on or before the seventh day of each month of that fiscal year, 1051
shall transfer from the general revenue fund to the local 1052
government fund one-twelfth of the amount certified. 1053

(3) On or before the tenth day of each month, the tax 1054
commissioner shall provide for payment to each county treasury 1055
in which an eligible taxing district is located an amount equal 1056
to one-twelfth of the amount computed for the district for that 1057

fiscal year under division (E) (2) of this section. 1058

Money received into the treasury of a county under 1059
division (E) of this section shall be credited to the undivided 1060
local government fund in the treasury of the county on or before 1061
the fifteenth day of each month. On or before the twentieth day 1062
of each month, the county auditor shall issue warrants against 1063
the undivided local government fund for the amounts attributable 1064
to each eligible taxing district, and the treasurer shall 1065
distribute and pay such amounts to each eligible taxing 1066
district. Money received by a township fire district or joint 1067
fire district under this division shall be credited to the 1068
district's general fund and may be used for any lawful purpose 1069
of the district. Money received by a township under this 1070
division shall be credited to the township's general fund and 1071
shall be used for the purpose of funding fire, police, emergency 1072
medical, or ambulance services. 1073

Sec. 5747.502. (A) As used in this section: 1074

(1) "Local authority" ~~and "traffic law photo-monitoring~~ 1075
~~device" have the same meanings as in section 4511.092 of the~~ 1076
~~Revised Code~~ means a county, township, or municipal corporation. 1077

(2) "School zone" has the same meaning as in section 1078
4511.21 of the Revised Code. 1079

(3) "Transportation district" means a territorial district 1080
established by the director of transportation under section 1081
5501.14 of the Revised Code. 1082

(4) "District deputy director" means the person appointed 1083
and assigned by the director of transportation under section 1084
5501.14 of the Revised Code to administer the activities of a 1085
transportation district. 1086

- (5) "Gross amount" means the entire amount of traffic camera fines and fees paid by a driver. 1087
1088
- (6) "~~Local government fund adjustment~~ or "LGF Traffic camera adjustment"" means the sum of: 1089
1090
- (a) The gross amount of all traffic camera fines collected by a local authority during the preceding fiscal year, as reported under division (B) (1) of this section, if such a report is required; plus 1091
1092
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- (b) The residual traffic camera adjustment computed for the local authority under division (B) (4) of this section, if such an adjustment applies. 1095
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- (7) "Local government fund payments" or "LGF payments" means the payments a local authority would receive under sections ~~5747.502~~5747.503, 5747.51, and 5747.53, and division (C) of section 5747.50 of the Revised Code, as applicable, if not for the reductions required by divisions (C) and (D) of this section. 1098
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- (8) "Residual traffic camera adjustment" means the most recent ~~LGF~~traffic camera adjustment computed for a local authority under division (B) (2) or (3) of this section minus the sum of the reductions applied after that computation under division (C) of this section to the local authority's LGF payments. 1104
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- (9) "Traffic camera fines" means civil fines for any violation of any local ordinance or resolution that are based upon evidence recorded by a traffic law photo-monitoring device. 1110
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1112
- (10) "Qualifying village" has the same meaning as in section ~~5747.503~~ of the Revised Code. 1113
1114

(11) "Traffic law photo-monitoring device" has the same 1115
meaning as in section 4511.092 of the Revised Code. 1116

(B) (1) Annually, on or before the thirty-first day of 1117
July, any local authority that directly or indirectly collected 1118
traffic camera fines during the preceding fiscal year shall file 1119
a report with the tax commissioner that includes a detailed 1120
statement of the gross amount of all traffic camera fines the 1121
local authority collected during that period and the gross 1122
amount of such fines that the local authority collected for 1123
violations that occurred within a school zone. 1124

(2) Annually, on or before the tenth day of August, the 1125
commissioner shall compute a ~~local government fund~~ traffic 1126
camera adjustment for each local authority that files a report 1127
under division (B) (1) of this section or with respect to which a 1128
residual traffic camera adjustment applies. Subject to division 1129
(B) (3) of this section and section 5747.505 of the Revised Code, 1130
the ~~LGF~~ traffic camera adjustment shall be used by the 1131
commissioner to determine the amount of the reductions required 1132
under division (C) of this section for each of the next twelve 1133
months, starting with the month in which the ~~LGF~~ traffic camera 1134
adjustment is computed. After those twelve months, the ~~LGF~~ 1135
traffic camera adjustment ceases to apply and, if ~~an LGF a~~ 1136
traffic camera adjustment continues to be required, the amount 1137
of the reductions required under division (C) of this section 1138
shall be determined based on an updated ~~LGF~~ traffic camera 1139
adjustment computed under this division. 1140

(3) Upon receipt of a report described by division (B) (1) 1141
of this section that is not timely filed, the commissioner shall 1142
do both of the following: 1143

(a) If one or more payments to the local authority has 1144

been withheld under division (D) of this section because of the 1145
local authority's failure to file the report, notify the county 1146
auditor and county treasurer of the appropriate county that the 1147
report has been received and that, subject to division (C) of 1148
this section, payments to the local authority from the undivided 1149
local government fund are to resume. 1150

(b) Compute the local authority's ~~LGF~~-traffic camera 1151
adjustment using the information in the report. ~~An LGF~~-A traffic 1152
camera adjustment computed under this division shall be used by 1153
the commissioner to determine the amount of the reductions 1154
required under division (C) of this section starting with the 1155
next required reduction. The ~~LGF~~-traffic camera adjustment 1156
ceases to apply on the thirty-first day of the ensuing July, 1157
following which, if ~~an LGF~~-a traffic camera adjustment continues 1158
to be required, the amount of the reductions required under 1159
division (C) of this section shall be determined based on an 1160
updated ~~LGF~~-traffic camera adjustment computed under division 1161
(B) (2) of this section. 1162

(4) Annually, on or before the tenth day of August, the 1163
commissioner shall compute a residual traffic camera adjustment 1164
for each local authority whose ~~LGF~~-traffic camera adjustment for 1165
the preceding year exceeds the amount by which the local 1166
authority's LGF payments were reduced during that year under 1167
division (C) of this section. The residual traffic camera 1168
adjustment shall be used to compute the ~~LGF~~-traffic camera 1169
adjustment for the ensuing year under division (B) (2) of this 1170
section. 1171

(C) ~~The~~-Subject to section 5747.505 of the Revised Code, 1172
the commissioner shall do the following, as applicable, 1173
respecting any local authority to which ~~an LGF~~-a traffic camera 1174

adjustment ~~computed under division (B) of this section~~ applies: 1175

(1) If the local authority is a municipal corporation with 1176
a population of one thousand or more, reduce payments to the 1177
municipal corporation under division (C) of section 5747.50 of 1178
the Revised Code by one-twelfth of the LGF-traffic camera 1179
adjustment. If one-twelfth of the LGF-traffic camera adjustment 1180
exceeds the amount of money the municipal corporation would 1181
otherwise receive under division (C) of section 5747.50 of the 1182
Revised Code, the commissioner also shall reduce payments to the 1183
appropriate county undivided local government fund under 1184
division (B) of section 5747.50 of the Revised Code by an amount 1185
equal to the lesser of (a) one-twelfth of the excess, or (b) the 1186
amount of the payment the municipal corporation would otherwise 1187
receive from the fund under section 5747.51 or 5747.53 of the 1188
Revised Code. 1189

(2) If the local authority is a township or qualifying 1190
village, reduce the supplemental payments to the appropriate 1191
county undivided local government fund under section 5747.503 of 1192
the Revised Code by the lesser of one-twelfth of the LGF-traffic 1193
camera adjustment, or the amount of money the township or 1194
qualifying village would otherwise receive under that section. 1195
If one-twelfth of the LGF-traffic camera adjustment exceeds the 1196
amount of money the township or qualifying village would 1197
otherwise receive under section 5747.503 of the Revised Code, 1198
the commissioner also shall reduce payments to the appropriate 1199
county undivided local government fund under division (B) of 1200
section 5747.50 of the Revised Code by an amount equal to the 1201
lesser of (a) one-twelfth of the excess, or (b) the amount of 1202
the payment the township or qualifying village would otherwise 1203
receive from the fund under section 5747.51 or 5747.53 of the 1204
Revised Code. 1205

(3) If the local authority is a county, reduce payments to 1206
the appropriate county undivided local government fund under 1207
division (B) of section 5747.50 of the Revised Code by an amount 1208
equal to the lesser of (a) one-twelfth of the ~~LGF~~ traffic camera 1209
adjustment, or (b) the amount of the payment the county would 1210
otherwise receive from the fund under section 5747.51 or 5747.53 1211
of the Revised Code. 1212

(4) For any local authority, on or before the tenth day of 1213
each month a reduction is made under division (C) (1), (2), or 1214
(3) of this section, make a payment to the local authority in an 1215
amount equal to the lesser of (a) one-twelfth of the gross 1216
amount of traffic camera fines the local authority collected in 1217
the preceding fiscal year for violations that occurred within a 1218
school zone, as indicated on the report filed by the local 1219
authority pursuant to division (B) (1) of this section, or (b) 1220
the amount by which the local authority's LGF payments were 1221
reduced that month pursuant to division (C) (1), (2), or (3) of 1222
this section. Payments received by a local authority under this 1223
division shall be used by the local authority for school safety 1224
purposes. 1225

(D) ~~Upon~~ Subject to section 5747.505 of the Revised Code, 1226
upon discovery, based on information in the commissioner's 1227
possession, that a local authority required to file a report 1228
under division (B) (1) of this section has failed to do so, the 1229
commissioner shall do the following, as applicable: 1230

(1) If the local authority is a municipal corporation with 1231
a population of one thousand or more, cease providing for 1232
payments to the municipal corporation under section 5747.50 of 1233
the Revised Code beginning with the next required payment and 1234
until such time as the report is received by the commissioner; 1235

(2) If the local authority is a township or qualifying
village, reduce the supplemental payments to the appropriate
county undivided local government fund under section 5747.503 of
the Revised Code by an amount equal to the amount of such
payments the local authority would otherwise receive under that
section, beginning with the next required payment and until such
time as the report is received by the commissioner;

(3) For any local authority, reduce payments to the
appropriate county undivided local government fund under
division (B) of section 5747.50 of the Revised Code by an amount
equal to the amount of such payments the local authority would
otherwise receive under section 5747.51 or 5747.53 of the
Revised Code, beginning with the next required payment and until
such time as the report is received by the commissioner;

(4) For any local authority, notify the county auditor and
county treasurer that such payments are to cease until the
commissioner notifies the auditor and treasurer under division
(E) of this section that the payments are to resume.

(E) The commissioner shall notify the county auditor and
county treasurer on or before the day the commissioner first
reduces a county undivided local government fund payment to that
county under division (C) of this section. The notice shall
include the full amount of the reduction, a list of the local
authorities to which the reduction applies, and the amount of
reduction attributed to each such local authority. The
commissioner shall send an updated notice to the county auditor
and county treasurer any time the amount the reduction
attributed to any local authority changes.

A county treasurer that receives a notice from the
commissioner under this division or division (B) (3) (a) or (D) (4)

of this section shall reduce, cease, or resume payments from the 1266
undivided local government fund to the local authority that is 1267
the subject of the notice as specified by the commissioner in 1268
the notice. Unless otherwise specified in the notice, the 1269
payments shall be reduced, ceased, or resumed beginning with the 1270
next required payment. 1271

(F) There is hereby created in the state treasury the Ohio 1272
highway and transportation safety fund. On or before the tenth 1273
day of each month, the commissioner shall deposit in the fund an 1274
amount equal to the total amount by which payments to local 1275
authorities were reduced or ceased under division (C) or (D) of 1276
this section minus the total amount of payments made under 1277
division (C)(4) of this section. The amount deposited with 1278
respect to a local authority shall be credited to an account to 1279
be created in the fund for the transportation district in which 1280
that local authority is located. If the local authority is 1281
located within more than one transportation district, the amount 1282
credited to the account of each such transportation district 1283
shall be prorated on the basis of the number of centerline miles 1284
of public roads and highways in both the local authority and the 1285
respective districts. Amounts credited to a transportation 1286
district's account shall be used by the department of 1287
transportation and the district deputy director exclusively to 1288
enhance public safety on public roads and highways within that 1289
transportation district. 1290

Sec. 5747.504. (A) As used in this section: 1291

(1) "Immigration adjustment" means the sum of the 1292
following: 1293

(a) The number of instances of noncompliance with Chapter 1294
2965. of the Revised Code, as stated in the most recent report 1295

received by the tax commissioner for a particular municipal 1296
corporation, township, or county under section 2965.06 of the 1297
Revised Code, multiplied by five hundred dollars;(b) The 1298
residual immigration adjustment computed for the local authority 1299
under division (B) (2) of this section. 1300

(2) "Local authority" means a county, township, or 1301
municipal corporation. 1302

(3) "Residual immigration adjustment" means the most 1303
recent immigration adjustment computed for a local authority 1304
under division (B) (1) of this section minus the amount the local 1305
authority's LGF payments were reduced that month under division 1306
(C) of this section. 1307

(4) "Local government fund payments" or "LGF payments" 1308
means the payments a local authority would receive under 1309
sections 5747.503, 5747.51, and 5747.53, and division (C) of 1310
section 5747.50 of the Revised Code, as applicable, if not for 1311
the reductions required by this section. 1312

(5) "Qualifying village" has the same meaning as in 1313
section 5747.503 of the Revised Code. 1314

(B) (1) On or before the tenth day of each month that 1315
begins after the effective date of this section, the tax 1316
commissioner shall compute an immigration adjustment for each 1317
local authority for which a report was received pursuant to 1318
section 2965.06 of the Revised Code that month, or for which a 1319
positive residual immigration adjustment is computed under 1320
division (B) (2) of this section. Except as provided in section 1321
5747.505 of the Revised Code, the commissioner shall subtract 1322
the immigration adjustment from the local authority's next LGF 1323
payment as described in division (C) of this section. 1324

(2) On or before the tenth day of each month, starting 1325
with the second month that begins after the effective date of 1326
this section, the commissioner shall compute a residual abortion 1327
adjustment for each local authority whose immigration adjustment 1328
for the preceding month exceeds the amount by which the local 1329
authority's LGF payments were reduced for that month under 1330
division (C) of this section. 1331

(C) (1) If the local authority is a municipal corporation 1332
with a population of one thousand or more, the commissioner 1333
shall first reduce payments to the municipal corporation under 1334
division (C) of section 5747.50 of the Revised Code by the 1335
lesser of the immigration adjustment, or the amount the 1336
municipal corporation would otherwise receive under that 1337
division. If the immigration adjustment exceeds the amount of 1338
money the municipal corporation would otherwise receive under 1339
division (C) of section 5747.50 of the Revised Code, the 1340
commissioner also shall reduce payments to the appropriate 1341
county undivided local government fund under division (B) of 1342
section 5747.50 of the Revised Code by the lesser of the excess 1343
immigration adjustment or the payment the municipal corporation 1344
would otherwise receive from the fund under section 5747.51 or 1345
5747.53 of the Revised Code. 1346

(2) If the local authority is a township or qualifying 1347
village, the commissioner shall first reduce supplemental 1348
payments to the appropriate county undivided local government 1349
fund under section 5747.503 of the Revised Code by the lesser of 1350
the immigration adjustment, or the amount of money the township 1351
or qualifying village would otherwise receive under that 1352
section. If the immigration adjustment exceeds the amount of 1353
money the township or qualifying village would otherwise receive 1354
under section 5747.503 of the Revised Code, the commissioner 1355

also shall reduce payments to the appropriate county undivided 1356
local government fund under division (B) of section 5747.50 of 1357
the Revised Code by the lesser of the excess immigration 1358
adjustment or the payment the township or qualifying village 1359
would otherwise receive from the fund under section 5747.51 or 1360
5747.53 of the Revised Code. 1361

(3) If the local authority is a county, the commissioner 1362
shall reduce payments to the appropriate county undivided local 1363
government fund under division (B) of section 5747.50 of the 1364
Revised Code by the lesser of the immigration adjustment, or the 1365
amount of the payment the county would otherwise receive from 1366
the fund under section 5747.51 or 5747.53 of the Revised Code. 1367

(D) The commissioner shall notify the county auditor and 1368
county treasurer on or before the day the commissioner reduces a 1369
county undivided local government fund payment to that county 1370
under division (C) of this section. The notice shall include the 1371
full amount of the reduction, a list of the local authorities to 1372
which the reduction applies, and the amount of reduction 1373
attributed to each such local authority. 1374

A county treasurer that receives a notice from the 1375
commissioner under this division shall reduce or cease payments 1376
from the undivided local government fund to the local authority 1377
that is the subject of the notice as specified by the 1378
commissioner in the notice. Unless otherwise specified in the 1379
notice, the payments shall be reduced or ceased, beginning with 1380
the next required payment. 1381

(E) On or before the tenth day of each month, the 1382
commissioner shall transfer from the local government fund to 1383
the general revenue fund the sum of the payments withheld that 1384
month under division (C) of this section. 1385

Sec. 5747.505. As used in this section, "local government 1386
fund payments" has the same meaning as in section 5747.504 of 1387
the Revised Code. 1388

If a municipal corporation, township, or county is subject 1389
to more than one reduction required by sections 5747.502 and 1390
5747.504 of the Revised Code for the same month, the tax 1391
commissioner shall proceed in the following order, to the extent 1392
the reductions do not exceed the amount of local government fund 1393
payments the municipal corporation, township, or county would 1394
otherwise receive: 1395

(A) Apply any reduction required under division (C) of 1396
section 5747.504 of the Revised Code and deposit the amount of 1397
payments withheld to the general revenue fund under division (E) 1398
of that section; 1399

(B) Apply any reduction required under division (D) of 1400
section 5747.502 of the Revised Code and deposit the amount of 1401
payments withheld to appropriate account of the Ohio highway and 1402
transportation safety fund under division (F) of that section; 1403

(C) Apply any reduction required under division (C) of 1404
section 5747.502 of the Revised Code and deposit the amount of 1405
payments withheld to the municipal corporation, township, or 1406
county, as required by division (C) (4) of section 5747.502 of 1407
the Revised Code, and to the appropriate account of the Ohio 1408
highway and transportation safety fund under division (F) of 1409
that section. 1410

Sec. 5747.51. (A) On or before the twenty-fifth day of 1411
July of each year, the tax commissioner shall make and certify 1412
to the county auditor of each county an estimate of the amount 1413
of the local government fund to be allocated to the undivided 1414

local government fund of each county for the ensuing calendar 1415
year, adjusting the total as required to account for 1416
subdivisions receiving local government funds under section 1417
5747.502 of the Revised Code. 1418

(B) At each annual regular session of the county budget 1419
commission convened pursuant to section 5705.27 of the Revised 1420
Code, each auditor shall present to the commission the 1421
certificate of the commissioner, the annual tax budget and 1422
estimates, and the records showing the action of the commission 1423
in its last preceding regular session. The commission, after 1424
extending to the representatives of each subdivision an 1425
opportunity to be heard, under oath administered by any member 1426
of the commission, and considering all the facts and information 1427
presented to it by the auditor, shall determine the amount of 1428
the undivided local government fund needed by and to be 1429
apportioned to each subdivision for current operating expenses, 1430
as shown in the tax budget of the subdivision. This 1431
determination shall be made pursuant to divisions (C) to (I) of 1432
this section, unless the commission has provided for a formula 1433
pursuant to section 5747.53 of the Revised Code. The 1434
commissioner shall reduce the amount of funds from the undivided 1435
local government fund to a subdivision required to receive 1436
reduced funds under section 5747.502 or 5747.504 of the Revised 1437
Code. 1438

Nothing in this section prevents the budget commission, 1439
for the purpose of apportioning the undivided local government 1440
fund, from inquiring into the claimed needs of any subdivision 1441
as stated in its tax budget, or from adjusting claimed needs to 1442
reflect actual needs. For the purposes of this section, "current 1443
operating expenses" means the lawful expenditures of a 1444
subdivision, except those for permanent improvements and except 1445

payments for interest, sinking fund, and retirement of bonds, 1446
notes, and certificates of indebtedness of the subdivision. 1447

(C) The commission shall determine the combined total of 1448
the estimated expenditures, including transfers, from the 1449
general fund and any special funds other than special funds 1450
established for road and bridge; street construction, 1451
maintenance, and repair; state highway improvement; and gas, 1452
water, sewer, and electric public utilities operated by a 1453
subdivision, as shown in the subdivision's tax budget for the 1454
ensuing calendar year. 1455

(D) From the combined total of expenditures calculated 1456
pursuant to division (C) of this section, the commission shall 1457
deduct the following expenditures, if included in these funds in 1458
the tax budget: 1459

(1) Expenditures for permanent improvements as defined in 1460
division (E) of section 5705.01 of the Revised Code; 1461

(2) In the case of counties and townships, transfers to 1462
the road and bridge fund, and in the case of municipalities, 1463
transfers to the street construction, maintenance, and repair 1464
fund and the state highway improvement fund; 1465

(3) Expenditures for the payment of debt charges; 1466

(4) Expenditures for the payment of judgments. 1467

(E) In addition to the deductions made pursuant to 1468
division (D) of this section, revenues accruing to the general 1469
fund and any special fund considered under division (C) of this 1470
section from the following sources shall be deducted from the 1471
combined total of expenditures calculated pursuant to division 1472
(C) of this section: 1473

(1) Taxes levied within the ten-mill limitation, as	1474
defined in section 5705.02 of the Revised Code;	1475
(2) The budget commission allocation of estimated county	1476
public library fund revenues to be distributed pursuant to	1477
section 5747.48 of the Revised Code;	1478
(3) Estimated unencumbered balances as shown on the tax	1479
budget as of the thirty-first day of December of the current	1480
year in the general fund, but not any estimated balance in any	1481
special fund considered in division (C) of this section;	1482
(4) Revenue, including transfers, shown in the general	1483
fund and any special funds other than special funds established	1484
for road and bridge; street construction, maintenance, and	1485
repair; state highway improvement; and gas, water, sewer, and	1486
electric public utilities, from all other sources except those	1487
that a subdivision receives from an additional tax or service	1488
charge voted by its electorate or receives from special	1489
assessment or revenue bond collection. For the purposes of this	1490
division, where the charter of a municipal corporation prohibits	1491
the levy of an income tax, an income tax levied by the	1492
legislative authority of such municipal corporation pursuant to	1493
an amendment of the charter of that municipal corporation to	1494
authorize such a levy represents an additional tax voted by the	1495
electorate of that municipal corporation. For the purposes of	1496
this division, any measure adopted by a board of county	1497
commissioners pursuant to section 322.02, 4504.02, or 5739.021	1498
of the Revised Code, including those measures upheld by the	1499
electorate in a referendum conducted pursuant to section	1500
322.021, 4504.021, or 5739.022 of the Revised Code, shall not be	1501
considered an additional tax voted by the electorate.	1502
Subject to division (F) of section 5705.29 of the Revised	1503

Code, money in a reserve balance account established by a 1504
county, township, or municipal corporation under section 5705.13 1505
of the Revised Code shall not be considered an unencumbered 1506
balance or revenue under division (E) (3) or (4) of this section. 1507
Money in a reserve balance account established by a township 1508
under section 5705.132 of the Revised Code shall not be 1509
considered an unencumbered balance or revenue under division (E) 1510
(3) or (4) of this section. 1511

If a county, township, or municipal corporation has 1512
created and maintains a nonexpendable trust fund under section 1513
5705.131 of the Revised Code, the principal of the fund, and any 1514
additions to the principal arising from sources other than the 1515
reinvestment of investment earnings arising from such a fund, 1516
shall not be considered an unencumbered balance or revenue under 1517
division (E) (3) or (4) of this section. Only investment earnings 1518
arising from investment of the principal or investment of such 1519
additions to principal may be considered an unencumbered balance 1520
or revenue under those divisions. 1521

(F) The total expenditures calculated pursuant to division 1522
(C) of this section, less the deductions authorized in divisions 1523
(D) and (E) of this section, shall be known as the "relative 1524
need" of the subdivision, for the purposes of this section. 1525

(G) The budget commission shall total the relative need of 1526
all participating subdivisions in the county, and shall compute 1527
a relative need factor by dividing the total estimate of the 1528
undivided local government fund by the total relative need of 1529
all participating subdivisions. 1530

(H) The relative need of each subdivision shall be 1531
multiplied by the relative need factor to determine the 1532
proportionate share of the subdivision in the undivided local 1533

government fund of the county; provided, that the maximum 1534
proportionate share of a county shall not exceed the following 1535
maximum percentages of the total estimate of the undivided local 1536
government fund governed by the relationship of the percentage 1537
of the population of the county that resides within municipal 1538
corporations within the county to the total population of the 1539
county as reported in the reports on population in Ohio by the 1540
department of development as of the twentieth day of July of the 1541
year in which the tax budget is filed with the budget 1542
commission: 1543

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A	Percentage of municipal population within the county:	Percentage share of the county shall not exceed:
B	Less than forty-one per cent	Sixty per cent
C	Forty-one per cent or more but less than eighty-one per cent	Fifty per cent
D	Eighty-one per cent or more	Thirty per cent

Where the proportionate share of the county exceeds the 1545
limitations established in this division, the budget commission 1546
shall adjust the proportionate shares determined pursuant to 1547
this division so that the proportionate share of the county does 1548
not exceed these limitations, and it shall increase the 1549
proportionate shares of all other subdivisions on a pro rata 1550
basis. In counties having a population of less than one hundred 1551
thousand, not less than ten per cent shall be distributed to the 1552
townships therein. 1553

(I) The proportionate share of each subdivision in the 1554
undivided local government fund determined pursuant to division 1555
(H) of this section for any calendar year shall not be less than 1556
the product of the average of the percentages of the undivided 1557
local government fund of the county as apportioned to that 1558
subdivision for the calendar years 1968, 1969, and 1970, 1559
multiplied by the total amount of the undivided local government 1560
fund of the county apportioned pursuant to former section 1561
5739.23 of the Revised Code for the calendar year 1970. For the 1562
purposes of this division, the total apportioned amount for the 1563
calendar year 1970 shall be the amount actually allocated to the 1564
county in 1970 from the state collected intangible tax as levied 1565
by section 5707.03 of the Revised Code and distributed pursuant 1566
to section 5725.24 of the Revised Code, plus the amount received 1567
by the county in the calendar year 1970 pursuant to division (B) 1568
(1) of former section 5739.21 of the Revised Code, and 1569
distributed pursuant to former section 5739.22 of the Revised 1570
Code. If the total amount of the undivided local government fund 1571
for any calendar year is less than the amount of the undivided 1572
local government fund apportioned pursuant to former section 1573
5739.23 of the Revised Code for the calendar year 1970, the 1574
minimum amount guaranteed to each subdivision for that calendar 1575
year pursuant to this division shall be reduced on a basis 1576
proportionate to the amount by which the amount of the undivided 1577
local government fund for that calendar year is less than the 1578
amount of the undivided local government fund apportioned for 1579
the calendar year 1970. 1580

(J) On the basis of such apportionment, the county auditor 1581
shall compute the percentage share of each such subdivision in 1582
the undivided local government fund and shall at the same time 1583
certify to the tax commissioner the percentage share of the 1584

county as a subdivision. No payment shall be made from the 1585
undivided local government fund, except in accordance with such 1586
percentage shares. 1587

Within ten days after the budget commission has made its 1588
apportionment, whether conducted pursuant to section 5747.51 or 1589
5747.53 of the Revised Code, the auditor shall publish a list of 1590
the subdivisions and the amount each is to receive from the 1591
undivided local government fund and the percentage share of each 1592
subdivision, in a newspaper or newspapers of countywide 1593
circulation, and send a copy of such allocation to the tax 1594
commissioner. 1595

The county auditor shall also send a copy of such 1596
allocation by ordinary or electronic mail to the fiscal officer 1597
of each subdivision entitled to participate in the allocation of 1598
the undivided local government fund of the county. This copy 1599
shall constitute the official notice of the commission action 1600
referred to in section 5705.37 of the Revised Code. 1601

All money received into the treasury of a subdivision from 1602
the undivided local government fund in a county treasury shall 1603
be paid into the general fund and used for the current operating 1604
expenses of the subdivision. 1605

If a municipal corporation maintains a municipal 1606
university, such municipal university, when the board of 1607
trustees so requests the legislative authority of the municipal 1608
corporation, shall participate in the money apportioned to such 1609
municipal corporation from the total local government fund, 1610
however created and constituted, in such amount as requested by 1611
the board of trustees, provided such sum does not exceed nine 1612
per cent of the total amount paid to the municipal corporation. 1613

If any public official fails to maintain the records 1614
required by sections 5747.50 to 5747.55 of the Revised Code or 1615
by the rules issued by the tax commissioner, the auditor of 1616
state, or the treasurer of state pursuant to such sections, or 1617
fails to comply with any law relating to the enforcement of such 1618
sections, the local government fund money allocated to the 1619
county may be withheld until such time as the public official 1620
has complied with such sections or such law or the rules issued 1621
pursuant thereto. 1622

Sec. 5747.53. (A) As used in this section: 1623

(1) "City, located wholly or partially in the county, with 1624
the greatest population" means the city, located wholly or 1625
partially in the county, with the greatest population residing 1626
in the county; however, if the county budget commission on or 1627
before January 1, 1998, adopted an alternative method of 1628
apportionment that was approved by the legislative authority of 1629
the city, located partially in the county, with the greatest 1630
population but not the greatest population residing in the 1631
county, "city, located wholly or partially in the county, with 1632
the greatest population" means the city, located wholly or 1633
partially in the county, with the greatest population whether 1634
residing in the county or not, if this alternative meaning is 1635
adopted by action of the board of county commissioners and a 1636
majority of the boards of township trustees and legislative 1637
authorities of municipal corporations located wholly or 1638
partially in the county. 1639

(2) "Participating political subdivision" means a 1640
municipal corporation or township that satisfies all of the 1641
following: 1642

(a) It is located wholly or partially in the county. 1643

(b) It is not the city, located wholly or partially in the 1644
county, with the greatest population. 1645

(c) Undivided local government fund moneys are apportioned 1646
to it under the county's alternative method or formula of 1647
apportionment in the current calendar year. 1648

(B) In lieu of the method of apportionment of the 1649
undivided local government fund of the county provided by 1650
section 5747.51 of the Revised Code, the county budget 1651
commission may provide for the apportionment of the fund under 1652
an alternative method or on a formula basis as authorized by 1653
this section. The commissioner shall reduce the amount of funds 1654
from the undivided local government fund to a subdivision 1655
required to receive reduced funds under section 5747.502 or 1656
5747.504 of the Revised Code. 1657

Except as otherwise provided in division (C) of this 1658
section, the alternative method of apportionment shall have 1659
first been approved by all of the following governmental units: 1660
the board of county commissioners; the legislative authority of 1661
the city, located wholly or partially in the county, with the 1662
greatest population; and a majority of the boards of township 1663
trustees and legislative authorities of municipal corporations, 1664
located wholly or partially in the county, excluding the 1665
legislative authority of the city, located wholly or partially 1666
in the county, with the greatest population. In granting or 1667
denying approval for an alternative method of apportionment, the 1668
board of county commissioners, boards of township trustees, and 1669
legislative authorities of municipal corporations shall act by 1670
motion. A motion to approve shall be passed upon a majority vote 1671
of the members of a board of county commissioners, board of 1672
township trustees, or legislative authority of a municipal 1673

corporation, shall take effect immediately, and need not be 1674
published. 1675

Any alternative method of apportionment adopted and 1676
approved under this division shall be reviewed by the county 1677
budget commission at a public hearing held at least once in the 1678
year following ~~the effective date of this amendment~~ October 3, 1679
2023, and in every fifth year thereafter. The county budget 1680
commission shall provide reasonable advance notice of the 1681
hearing to all political subdivisions eligible to participate in 1682
the fund and shall take public testimony from any such political 1683
subdivision that wishes to testify. 1684

Any alternative method of apportionment adopted and 1685
approved under this division may be revised, amended, or 1686
repealed in the same manner as it may be adopted and approved. 1687
If an alternative method of apportionment adopted and approved 1688
under this division is repealed, the undivided local government 1689
fund of the county shall be apportioned among the subdivisions 1690
eligible to participate in the fund, commencing in the ensuing 1691
calendar year, under the apportionment provided in section 1692
5747.52 of the Revised Code, unless the repeal occurs by 1693
operation of division (C) of this section or a new method for 1694
apportionment of the fund is provided in the action of repeal. 1695

(C) This division applies only in counties in which the 1696
city, located wholly or partially in the county, with the 1697
greatest population has a population of twenty thousand or less 1698
and a population that is less than fifteen per cent of the total 1699
population of the county. In such a county, the legislative 1700
authorities or boards of township trustees of two or more 1701
participating political subdivisions, which together have a 1702
population residing in the county that is a majority of the 1703

total population of the county, each may adopt a resolution to 1704
exclude the approval otherwise required of the legislative 1705
authority of the city, located wholly or partially in the 1706
county, with the greatest population. All of the resolutions to 1707
exclude that approval shall be adopted not later than the first 1708
Monday of August of the year preceding the calendar year in 1709
which distributions are to be made under an alternative method 1710
of apportionment. 1711

A motion granting or denying approval of an alternative 1712
method of apportionment under this division shall be adopted by 1713
a majority vote of the members of the board of county 1714
commissioners and by a majority vote of a majority of the boards 1715
of township trustees and legislative authorities of the 1716
municipal corporations located wholly or partially in the 1717
county, other than the city, located wholly or partially in the 1718
county, with the greatest population, shall take effect 1719
immediately, and need not be published. The alternative method 1720
of apportionment under this division shall be adopted and 1721
approved annually, not later than the first Monday of August of 1722
the year preceding the calendar year in which distributions are 1723
to be made under it. A motion granting approval of an 1724
alternative method of apportionment under this division repeals 1725
any existing alternative method of apportionment, effective with 1726
distributions to be made from the fund in the ensuing calendar 1727
year. An alternative method of apportionment under this division 1728
shall not be revised or amended after the first Monday of August 1729
of the year preceding the calendar year in which distributions 1730
are to be made under it. 1731

(D) In determining an alternative method of apportionment 1732
authorized by this section, the county budget commission may 1733
include in the method any factor considered to be appropriate 1734

and reliable, in the sole discretion of the county budget 1735
commission. 1736

(E) The limitations set forth in section 5747.51 of the 1737
Revised Code, stating the maximum amount that the county may 1738
receive from the undivided local government fund and the minimum 1739
amount the townships in counties having a population of less 1740
than one hundred thousand may receive from the fund, are 1741
applicable to any alternative method of apportionment authorized 1742
under this section. 1743

(F) On the basis of any alternative method of 1744
apportionment adopted and approved as authorized by this 1745
section, as certified by the auditor to the county treasurer, 1746
the county treasurer shall make distribution of the money in the 1747
undivided local government fund to each subdivision eligible to 1748
participate in the fund, and the auditor, when the amount of 1749
those shares is in the custody of the treasurer in the amounts 1750
so computed to be due the respective subdivisions, shall at the 1751
same time certify to the tax commissioner the percentage share 1752
of the county as a subdivision. All money received into the 1753
treasury of a subdivision from the undivided local government 1754
fund in a county treasury shall be paid into the general fund 1755
and used for the current operating expenses of the subdivision. 1756
If a municipal corporation maintains a municipal university, the 1757
university, when the board of trustees so requests the 1758
legislative authority of the municipal corporation, shall 1759
participate in the money apportioned to the municipal 1760
corporation from the total local government fund, however 1761
created and constituted, in the amount requested by the board of 1762
trustees, provided that amount does not exceed nine per cent of 1763
the total amount paid to the municipal corporation. 1764

(G) The actions of the county budget commission taken 1765
pursuant to this section are final and may not be appealed to 1766
the board of tax appeals, except on the issues of abuse of 1767
discretion and failure to comply with the formula. 1768

Section 2. That existing sections 2909.30, 2929.15, 1769
2929.16, 2929.17, 2929.25, 5747.50, 5747.502, 5747.51, and 1770
5747.53 of the Revised Code are hereby repealed. 1771

Section 3. This act shall be known as the America First 1772
Act. 1773

Section 4. The General Assembly, applying the principle 1774
stated in division (B) of section 1.52 of the Revised Code that 1775
amendments are to be harmonized if reasonably capable of 1776
simultaneous operation, finds that the following sections, 1777
presented in this act as composites of the sections as amended 1778
by the acts indicated, are the resulting versions of the 1779
sections in effect prior to the effective date of the sections 1780
as presented in this act: 1781

Section 2929.15 of the Revised Code as amended by H.B. 1782
110, H.B. 281, and S.B. 288, all of the 134th General Assembly. 1783

Section 5747.53 of the Revised Code as amended by H.B. 33 1784
of the 135th General Assembly and H.B. 62 of the 133rd General 1785
Assembly. 1786