

As Introduced

**136th General Assembly
Regular Session
2025-2026**

S. B. No. 413

Senator Schaffer

To amend sections 1547.69, 2923.128, 2923.16, 1
2953.35, and 4511.19 of the Revised Code to 2
modify the circumstances in which a person may 3
transport a firearm in a motor vehicle. 4

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

Section 1. That sections 1547.69, 2923.128, 2923.16, 5
2953.35, and 4511.19 of the Revised Code be amended to read as 6
follows: 7

Sec. 1547.69. (A) As used in this section: 8

(1) "Firearm," "concealed handgun license," "handgun," 9
"valid concealed handgun license," and "active duty" have the 10
same meanings as in section 2923.11 of the Revised Code. 11

(2) "Unloaded" has the same meanings as in divisions ~~(K)~~ 12
~~(5)~~ (J) (5) and (6) of section 2923.16 of the Revised Code, 13
except that all references in the definition in division (K) (5) 14
of that section to "vehicle" shall be construed for purposes of 15
this section to be references to "vessel." 16

(B) No person shall knowingly discharge a firearm while in 17
or on a vessel. 18

(C) No person shall knowingly transport or have a loaded 19

firearm in a vessel in a manner that the firearm is accessible 20
to the operator or any passenger. 21

(D) No person shall knowingly transport or have a firearm 22
in a vessel unless it is unloaded and is carried in one of the 23
following ways: 24

(1) In a closed package, box, or case; 25

(2) In plain sight with the action opened or the weapon 26
stripped, or, if the firearm is of a type on which the action 27
will not stay open or that cannot easily be stripped, in plain 28
sight. 29

(E) (1) The affirmative defenses authorized in divisions 30
(D) (1) and (2) of section 2923.12 of the Revised Code are 31
affirmative defenses to a charge under division (C) or (D) of 32
this section that involves a firearm other than a handgun. It is 33
an affirmative defense to a charge under division (C) or (D) of 34
this section of transporting or having a firearm of any type, 35
including a handgun, in a vessel that the actor transported or 36
had the firearm in the vessel for any lawful purpose and while 37
the vessel was on the actor's own property, provided that this 38
affirmative defense is not available unless the actor, prior to 39
arriving at the vessel on the actor's own property, did not 40
transport or possess the firearm in the vessel or in a motor 41
vehicle in a manner prohibited by this section or division (B) 42
~~or (C)~~ of section 2923.16 of the Revised Code while the vessel 43
was being operated on a waterway that was not on the actor's own 44
property or while the motor vehicle was being operated on a 45
street, highway, or other public or private property used by the 46
public for vehicular traffic. 47

(2) No person who is charged with a violation of division 48

(C) or (D) of this section shall be required to obtain a license 49
or temporary emergency license to carry a concealed handgun 50
under section 2923.125 or 2923.1213 of the Revised Code as a 51
condition for the dismissal of the charge. 52

(F) Divisions (B), (C), and (D) of this section do not 53
apply to the possession or discharge of a United States coast 54
guard approved signaling device required to be carried aboard a 55
vessel under section 1547.251 of the Revised Code when the 56
signaling device is possessed or used for the purpose of giving 57
a visual distress signal. No person shall knowingly transport or 58
possess any signaling device of that nature in or on a vessel in 59
a loaded condition at any time other than immediately prior to 60
the discharge of the signaling device for the purpose of giving 61
a visual distress signal. 62

(G) No person shall operate or permit to be operated any 63
vessel on the waters in this state in violation of this section. 64

(H) (1) This section does not apply to any of the 65
following: 66

(a) An officer, agent, or employee of this or any other 67
state or of the United States, or to a law enforcement officer, 68
when authorized to carry or have loaded or accessible firearms 69
in a vessel and acting within the scope of the officer's, 70
agent's, or employee's duties; 71

(b) Any person who is employed in this state, who is 72
authorized to carry or have loaded or accessible firearms in a 73
vessel, and who is subject to and in compliance with the 74
requirements of section 109.801 of the Revised Code, unless the 75
appointing authority of the person has expressly specified that 76
the exemption provided in division (H) (1) (b) of this section 77

does not apply to the person; 78

(c) Any person legally engaged in hunting. 79

(2) Divisions (C) and (D) of this section do not apply to 80
a person who transports or possesses a handgun in a vessel and 81
who has been issued a concealed handgun license that is valid at 82
the time of that transportation or possession or who, at the 83
time of that transportation or possession, is an active duty 84
member of the armed forces of the United States and is carrying 85
a valid military identification card and documentation of 86
successful completion of firearms training that meets or exceeds 87
the training requirements described in division (G) (1) of 88
section 2923.125 of the Revised Code, unless the person 89
knowingly is in a place on the vessel described in division (B) 90
of section 2923.126 of the Revised Code. 91

(I) If a law enforcement officer stops a vessel for a 92
violation of this section or any other law enforcement purpose, 93
if any person on the vessel surrenders a firearm to the officer, 94
either voluntarily or pursuant to a request or demand of the 95
officer, and if the officer does not charge the person with a 96
violation of this section or arrest the person for any offense, 97
the person is not otherwise prohibited by law from possessing 98
the firearm, and the firearm is not contraband, the officer 99
shall return the firearm to the person at the termination of the 100
stop. 101

(J) Division ~~(L)~~ (K) of section 2923.16 of the Revised 102
Code applies with respect to division (A) (2) of this section, 103
except that all references in division ~~(L)~~ (K) of section 104
2923.16 of the Revised Code to "vehicle," to "this chapter," or 105
to "division (K) (5) (a) or (b) of this section" shall be 106
construed for purposes of this section to be, respectively, 107

references to "vessel," to "section 1547.69 of the Revised Code," and to divisions ~~(K) (5) (a)~~ (J) (5) (a) and (b) of section 2923.16 of the Revised Code as incorporated under the definition of firearm adopted under division (A) (2) of this section.

Sec. 2923.128. (A) (1) (a) If a licensee holding a valid concealed handgun license is arrested for or otherwise charged with an offense described in division (D) (1) (d) of section 2923.125 of the Revised Code or with a violation of section 2923.15 of the Revised Code or becomes subject to a temporary protection order or to a protection order issued by a court of another state that is substantially equivalent to a temporary protection order, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the arrest, charge, or protection order. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (1) (a) of this section shall be considered as beginning on the date that the licensee is arrested for or otherwise charged with an offense described in that division or on the date the appropriate court issued the protection order described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. The suspension shall end on the date on which the charges are dismissed or the licensee is found not guilty of the offense described in division (A) (1) (a) of this section or, subject to division (B) of this section, on the date the appropriate court terminates the protection order described in that division. If the suspension so ends, the sheriff shall return the license or temporary emergency license to the licensee.

(2) (a) If a licensee holding a valid concealed handgun license is convicted of or pleads guilty to a misdemeanor violation of division (B) (2) or (4) of section 2923.12 of the Revised Code or of division ~~(E) (3)~~ (D) (3) or (5) of section 2923.16 of the Revised Code, subject to division (C) of this section, the sheriff who issued the license shall suspend it and shall comply with division (A) (3) of this section upon becoming aware of the conviction or guilty plea. Upon suspending the license, the sheriff also shall comply with division (H) of section 2923.125 of the Revised Code.

(b) A suspension under division (A) (2) (a) of this section shall be considered as beginning on the date that the licensee is convicted of or pleads guilty to the offense described in that division, irrespective of when the sheriff notifies the licensee under division (A) (3) of this section. If the suspension is imposed for a misdemeanor violation of division (B) (2) of section 2923.12 of the Revised Code or of division ~~(E) (3)~~ (D) (3) of section 2923.16 of the Revised Code, it shall end on the date that is one year after the date that the licensee is convicted of or pleads guilty to that violation. If the suspension is imposed for a misdemeanor violation of division (B) (4) of section 2923.12 of the Revised Code or of division ~~(E) (5)~~ (D) (5) of section 2923.16 of the Revised Code, it shall end on the date that is two years after the date that the licensee is convicted of or pleads guilty to that violation. If the licensee's license was issued under section 2923.125 of the Revised Code and the license remains valid after the suspension ends as described in this division, when the suspension ends, the sheriff shall return the license to the licensee. If the licensee's license was issued under section 2923.125 of the Revised Code and the license expires before the suspension ends

as described in this division, or if the licensee's license was 169
issued under section 2923.1213 of the Revised Code, the licensee 170
is not eligible to apply for a new license under section 171
2923.125 or 2923.1213 of the Revised Code or to renew the 172
license under section 2923.125 of the Revised Code until after 173
the suspension ends as described in this division. 174

(3) Upon becoming aware of an arrest, charge, or 175
protection order described in division (A) (1) (a) of this section 176
with respect to a licensee who was issued a concealed handgun 177
license, or a conviction of or plea of guilty to a misdemeanor 178
offense described in division (A) (2) (a) of this section with 179
respect to a licensee who was issued a concealed handgun 180
license, subject to division (C) of this section, the sheriff 181
who issued the licensee's license shall notify the licensee, by 182
certified mail, return receipt requested, at the licensee's last 183
known residence address that the license has been suspended and 184
that the licensee is required to surrender the license at the 185
sheriff's office within ten days of the date on which the notice 186
was mailed. If the suspension is pursuant to division (A) (2) of 187
this section, the notice shall identify the date on which the 188
suspension ends. 189

(B) (1) A sheriff who issues a concealed handgun license to 190
a licensee shall revoke the license in accordance with division 191
(B) (2) of this section upon becoming aware that the licensee 192
satisfies any of the following: 193

(a) The licensee is under twenty-one years of age. 194

(b) Subject to division (C) of this section, at the time 195
of the issuance of the license, the licensee did not satisfy the 196
eligibility requirements of division (D) (1) (c), (d), (e), (f), 197
(g), or (h) of section 2923.125 of the Revised Code. 198

(c) Subject to division (C) of this section, on or after	199
the date on which the license was issued, the licensee is	200
convicted of or pleads guilty to a violation of section 2923.15	201
of the Revised Code or an offense described in division (D) (1)	202
(e), (f), (g), or (h) of section 2923.125 of the Revised Code.	203
(d) On or after the date on which the license was issued,	204
the licensee becomes subject to a civil protection order or to a	205
protection order issued by a court of another state that is	206
substantially equivalent to a civil protection order.	207
(e) The licensee knowingly carries a concealed handgun	208
into a place that the licensee knows is an unauthorized place	209
specified in division (B) of section 2923.126 of the Revised	210
Code.	211
(f) On or after the date on which the license was issued,	212
the licensee is under adjudication of mental incompetence or is	213
committed to a mental institution.	214
(g) At the time of the issuance of the license, the	215
licensee did not meet the residency requirements described in	216
division (D) (1) of section 2923.125 of the Revised Code and	217
currently does not meet the residency requirements described in	218
that division.	219
(h) Regarding a license issued under section 2923.125 of	220
the Revised Code, the competency certificate the licensee	221
submitted was forged or otherwise was fraudulent.	222
(2) Upon becoming aware of any circumstance listed in	223
division (B) (1) of this section that applies to a particular	224
licensee who was issued a concealed handgun license, subject to	225
division (C) of this section, the sheriff who issued the license	226
to the licensee shall notify the licensee, by certified mail,	227

return receipt requested, at the licensee's last known residence 228
address that the license is subject to revocation and that the 229
licensee may come to the sheriff's office and contest the 230
sheriff's proposed revocation within fourteen days of the date 231
on which the notice was mailed. After the fourteen-day period 232
and after consideration of any information that the licensee 233
provides during that period, if the sheriff determines on the 234
basis of the information of which the sheriff is aware that the 235
licensee is described in division (B) (1) of this section and no 236
longer satisfies the requirements described in division (D) (1) 237
of section 2923.125 of the Revised Code that are applicable to 238
the licensee's type of license, the sheriff shall revoke the 239
license, notify the licensee of that fact, and require the 240
licensee to surrender the license. Upon revoking the license, 241
the sheriff also shall comply with division (H) of section 242
2923.125 of the Revised Code. 243

(C) If a sheriff who issues a concealed handgun license to 244
a licensee becomes aware that at the time of the issuance of the 245
license the licensee had been convicted of or pleaded guilty to 246
an offense identified in division (D) (1) (e), (f), or (h) of 247
section 2923.125 of the Revised Code or had been adjudicated a 248
delinquent child for committing an act or violation identified 249
in any of those divisions or becomes aware that on or after the 250
date on which the license was issued the licensee has been 251
convicted of or pleaded guilty to an offense identified in 252
division (A) (2) (a) or (B) (1) (c) of this section, the sheriff 253
shall not consider that conviction, guilty plea, or adjudication 254
as having occurred for purposes of divisions (A) (2), (A) (3), (B) 255
(1), and (B) (2) of this section if a court has ordered the 256
sealing or expungement of the records of that conviction, guilty 257
plea, or adjudication pursuant to sections 2151.355 to 2151.358, 258

sections 2953.31 to 2953.35, or section 2953.39 of the Revised Code or the licensee has been relieved under operation of law or legal process from the disability imposed pursuant to section 2923.13 of the Revised Code relative to that conviction, guilty plea, or adjudication.

(D) As used in this section, "motor carrier enforcement unit" has the same meaning as in section 2923.16 of the Revised Code.

Sec. 2923.16. (A) No person shall knowingly discharge a firearm while in or on a motor vehicle.

~~(B) No person shall knowingly transport or have a loaded firearm in a motor vehicle in such a manner that the firearm is accessible to the operator or any passenger without leaving the vehicle.~~

~~(C) No person shall knowingly transport or have a firearm in a motor vehicle, unless the person may lawfully possess that firearm under applicable law of this state or the United States, the firearm is unloaded, and the firearm is carried in one of the following ways:~~

(1) ~~In Unloaded and in a closed package, box, or case;~~

(2) In a compartment that can be reached only by leaving the vehicle;

(3) ~~In Unloaded and in plain sight and secured in a rack or holder made for the purpose;~~

~~(4) If the firearm is at least twenty-four inches in overall length as measured from the muzzle to the part of the stock furthest from the muzzle and if the barrel is at least eighteen inches in length, either in plain sight with the action~~

~~open or the weapon stripped, or, if the firearm is of a type on-~~ 287
~~which the action will not stay open or which cannot easily be-~~ 288
~~stripped, in plain sight.~~ 289

~~(D)~~ (C) No person shall knowingly transport or have a 290
loaded handgun in a motor vehicle if, at the time of that 291
transportation or possession, any of the following applies: 292

(1) The person is under the influence of alcohol, a drug 293
of abuse, or a combination of them. 294

(2) The person's whole blood, blood serum or plasma, 295
breath, or urine contains a concentration of alcohol, a listed 296
controlled substance, or a listed metabolite of a controlled 297
substance prohibited for persons operating a vehicle, as 298
specified in division (A) of section 4511.19 of the Revised 299
Code, regardless of whether the person at the time of the 300
transportation or possession as described in this division is 301
the operator of or a passenger in the motor vehicle. 302

~~(E)~~ (D) No person who has been issued a concealed handgun 303
license or who is an active duty member of the armed forces of 304
the United States and is carrying a valid military 305
identification card and documentation of successful completion 306
of firearms training that meets or exceeds the training 307
requirements described in division (G) (1) of section 2923.125 of 308
the Revised Code, who is the driver or an occupant of a motor 309
vehicle that is stopped as a result of a traffic stop or a stop 310
for another law enforcement purpose or is the driver or an 311
occupant of a commercial motor vehicle that is stopped by an 312
employee of the motor carrier enforcement unit for the purposes 313
defined in section 5503.34 of the Revised Code, and who is 314
transporting or has a loaded handgun in the motor vehicle or 315
commercial motor vehicle in any manner, shall do any of the 316

following: 317

(1) Before or at the time a law enforcement officer asks 318
if the person is carrying a concealed handgun, knowingly fail to 319
disclose that the person then possesses or has a loaded handgun 320
in the motor vehicle, provided that it is not a violation of 321
this division if the person fails to disclose that fact to an 322
officer during the stop and the person already has notified 323
another officer of that fact during the same stop; 324

(2) Before or at the time an employee of the motor carrier 325
enforcement unit asks if the person is carrying a concealed 326
handgun, knowingly fail to disclose that the person then 327
possesses or has a loaded handgun in the commercial motor 328
vehicle, provided that it is not a violation of this division if 329
the person fails to disclose that fact to an employee of the 330
unit during the stop and the person already has notified another 331
employee of the unit of that fact during the same stop; 332

(3) Knowingly fail to remain in the motor vehicle while 333
stopped or knowingly fail to keep the person's hands in plain 334
sight at any time after any law enforcement officer begins 335
approaching the person while stopped and before the law 336
enforcement officer leaves, unless the failure is pursuant to 337
and in accordance with directions given by a law enforcement 338
officer; 339

(4) Knowingly have contact with the loaded handgun by 340
touching it with the person's hands or fingers in the motor 341
vehicle at any time after the law enforcement officer begins 342
approaching and before the law enforcement officer leaves, 343
unless the person has contact with the loaded handgun pursuant 344
to and in accordance with directions given by the law 345
enforcement officer; 346

(5) Knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the motor vehicle is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

~~(F)(1)~~ (E)(1) Divisions (A), (B), ~~(C)~~, and ~~(E)~~ (D) of this section do not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or a law enforcement officer, when authorized to carry or have loaded or accessible firearms in motor vehicles and acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is authorized to carry or have loaded or accessible firearms in motor vehicles, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division ~~(F)(1)(b)~~ (E)(1)(b) of this section does not apply to the person.

(2) Division (A) of this section does not apply to a person if all of the following circumstances apply:

(a) The person discharges a firearm from a motor vehicle at a coyote or groundhog, the discharge is not during the deer gun hunting season as set by the chief of the division of wildlife of the department of natural resources, and the discharge at the coyote or groundhog, but for the operation of this section, is lawful.

(b) The motor vehicle from which the person discharges the firearm is on real property that is located in an unincorporated area of a township and that either is zoned for agriculture or

is used for agriculture.	376
(c) The person owns the real property described in	377
division (F) (2) (b) <u>(E) (2) (b)</u> of this section, is the spouse or a	378
child of another person who owns that real property, is a tenant	379
of another person who owns that real property, or is the spouse	380
or a child of a tenant of another person who owns that real	381
property.	382
(d) The person does not discharge the firearm in any of	383
the following manners:	384
(i) While under the influence of alcohol, a drug of abuse,	385
or alcohol and a drug of abuse;	386
(ii) In the direction of a street, highway, or other	387
public or private property used by the public for vehicular	388
traffic or parking;	389
(iii) At or into an occupied structure that is a permanent	390
or temporary habitation;	391
(iv) In the commission of any violation of law, including,	392
but not limited to, a felony that includes, as an essential	393
element, purposely or knowingly causing or attempting to cause	394
the death of or physical harm to another and that was committed	395
by discharging a firearm from a motor vehicle.	396
(3) Division (A) of this section does not apply to a	397
person if all of the following apply:	398
(a) The person possesses a valid all-purpose vehicle	399
permit issued under section 1533.103 of the Revised Code by the	400
chief of the division of wildlife.	401
(b) The person discharges a firearm at a wild quadruped or	402
game bird as defined in section 1531.01 of the Revised Code	403

during the open hunting season for the applicable wild quadruped 404
or game bird. 405

(c) The person discharges a firearm from a stationary all- 406
purpose vehicle as defined in section 1531.01 of the Revised 407
Code from private or publicly owned lands or from a motor 408
vehicle that is parked on a road that is owned or administered 409
by the division of wildlife. 410

(d) The person does not discharge the firearm in any of 411
the following manners: 412

(i) While under the influence of alcohol, a drug of abuse, 413
or alcohol and a drug of abuse; 414

(ii) In the direction of a street, a highway, or other 415
public or private property that is used by the public for 416
vehicular traffic or parking; 417

(iii) At or into an occupied structure that is a permanent 418
or temporary habitation; 419

(iv) In the commission of any violation of law, including, 420
but not limited to, a felony that includes, as an essential 421
element, purposely or knowingly causing or attempting to cause 422
the death of or physical harm to another and that was committed 423
by discharging a firearm from a motor vehicle. 424

(4) ~~Divisions~~Division (B) and ~~(C)~~ of this section ~~do~~does 425
not apply to a person if all of the following circumstances 426
apply: 427

(a) At the time of the alleged violation of either of 428
those divisions, the person is the operator of or a passenger in 429
a motor vehicle. 430

(b) The motor vehicle is on real property that is located 431

in an unincorporated area of a township and that either is zoned 432
for agriculture or is used for agriculture. 433

(c) The person owns the real property described in 434
division ~~(F) (4) (b)~~ (E) (4) (b) of this section, is the spouse or a 435
child of another person who owns that real property, is a tenant 436
of another person who owns that real property, or is the spouse 437
or a child of a tenant of another person who owns that real 438
property. 439

(d) The person, prior to arriving at the real property 440
described in division ~~(F) (4) (b)~~ (E) (4) (b) of this section, did 441
not transport or possess a firearm in the motor vehicle in a 442
manner prohibited by division (B) ~~or (C)~~ of this section while 443
the motor vehicle was being operated on a street, highway, or 444
other public or private property used by the public for 445
vehicular traffic or parking. 446

(5) ~~Divisions~~ Division (B) and ~~(C)~~ of this section ~~do~~ does 447
not apply to a person who transports or possesses a handgun in a 448
motor vehicle if, at the time of that transportation or 449
possession, both of the following apply: 450

(a) The person transporting or possessing the handgun has 451
been issued a concealed handgun license that is valid at the 452
time in question or the person is an active duty member of the 453
armed forces of the United States and is carrying a valid 454
military identification card and documentation of successful 455
completion of firearms training that meets or exceeds the 456
training requirements described in division (G) (1) of section 457
2923.125 of the Revised Code. 458

(b) The person transporting or possessing the handgun is 459
not knowingly in a place described in division (B) of section 460

2923.126 of the Revised Code. 461

(6) ~~Divisions~~Division (B) and ~~(C)~~ of this section ~~do~~does 462
not apply to a person if all of the following apply: 463

(a) The person possesses a valid all-purpose vehicle 464
permit issued under section 1533.103 of the Revised Code by the 465
chief of the division of wildlife. 466

(b) The person is on or in an all-purpose vehicle as 467
defined in section 1531.01 of the Revised Code or a motor 468
vehicle during the open hunting season for a wild quadruped or 469
game bird. 470

(c) The person is on or in an all-purpose vehicle as 471
defined in section 1531.01 of the Revised Code on private or 472
publicly owned lands or on or in a motor vehicle that is parked 473
on a road that is owned or administered by the division of 474
wildlife. 475

(7) Nothing in this section prohibits or restricts a 476
person from possessing, storing, or leaving a firearm in a 477
locked motor vehicle that is parked in the state underground 478
parking garage at the state capitol building or in the parking 479
garage at the Riffe center for government and the arts in 480
Columbus, if the person's transportation and possession of the 481
firearm in the motor vehicle while traveling to the premises or 482
facility was not in violation of division (A), (B), (C), or (D) ~~or~~ 483
~~or (E)~~ of this section or any other provision of the Revised 484
Code. 485

~~(G) (1)~~ (F) (1) The affirmative defenses authorized in 486
divisions (D) (1) and (2) of section 2923.12 of the Revised Code 487
are affirmative defenses to a charge under division (B) ~~or (C)~~ 488
of this section that involves a firearm other than a handgun. 489

(2) It is an affirmative defense to a charge under 490
division (B) ~~or (C)~~ of this section of improperly handling 491
firearms in a motor vehicle that the actor transported or had 492
the firearm in the motor vehicle for any lawful purpose and 493
while the motor vehicle was on the actor's own property, 494
provided that this affirmative defense is not available unless 495
the person, immediately prior to arriving at the actor's own 496
property, did not transport or possess the firearm in a motor 497
vehicle in a manner prohibited by division (B) ~~or (C)~~ of this 498
section while the motor vehicle was being operated on a street, 499
highway, or other public or private property used by the public 500
for vehicular traffic. 501

~~(H)(1)~~ (G)(1) No person who is charged with a violation of 502
division (B) ~~, or (C), or (D)~~ of this section shall be required 503
to obtain a concealed handgun license as a condition for the 504
dismissal of the charge. 505

(2) (a) If a person is convicted of, was convicted of, 506
pleads guilty to, or has pleaded guilty to a violation of 507
division ~~(E)~~ (D) of this section as it existed prior to 508
September 30, 2011, and the conduct that was the basis of the 509
violation no longer would be a violation of division ~~(E)~~ (D) of 510
this section on or after September 30, 2011, or if a person is 511
convicted of, was convicted of, pleads guilty to, or has pleaded 512
guilty to a violation of division ~~(E)(1)~~ (D)(1) or (2) of this 513
section as it existed prior to June 13, 2022, the person may 514
file an application under section 2953.35 of the Revised Code 515
requesting the expungement of the record of conviction. 516

If a person is convicted of, was convicted of, pleads 517
guilty to, or has pleaded guilty to a violation of former 518
division (B) ~~or (C)~~ of this section as the division existed 519

prior to September 30, 2011, or former division (C) of this 520
section as it existed prior to September 30, 2011, and if the 521
conduct that was the basis of the violation no longer would be a 522
violation of former division (B) ~~or (C)~~ of this section as it 523
existed on or after September 30, 2011, until the effective date 524
of this amendment, or former division (C) of this section as it 525
existed on or after September 30, 2011, until the effective date 526
of this amendment, due to the application of former division (F) 527
(5) of this section as it existed on or after September 30, 528
2011, and before the effective date of this amendment and 529
division (E) (5) of this section as it exists on and after 530
September 30, 2011 the effective date of this amendment, the 531
person may file an application under section 2953.35 of the 532
Revised Code requesting the expungement of the record of 533
conviction. 534

(b) The attorney general shall develop a public media 535
advisory that summarizes the expungement procedure established 536
under section 2953.35 of the Revised Code and the offenders 537
identified in division ~~(H) (2) (a)~~ (G) (2) (a) of this section and 538
those identified in division (E) (2) of section 2923.12 of the 539
Revised Code who are authorized to apply for the expungement. 540
~~Within thirty days after September 30, 2011, with respect to~~ 541
~~violations of division (B), (C), or (E) of this section as they~~ 542
~~existed prior to that date, and within thirty days after June~~ 543
~~13, 2022, with respect to a violation of division (E) (1) or (2)~~ 544
~~of this section or division (B) (1) of section 2923.12 of the~~ 545
~~Revised Code as they existed prior to June 13, 2022, the~~ The 546
attorney general shall provide a copy of the advisory to each 547
daily newspaper published in this state and each television 548
station that broadcasts in this state. The attorney general may 549
provide the advisory in a tangible form, an electronic form, or 550

in both tangible and electronic forms. 551

~~(I)~~ (H) Whoever violates this section is guilty of 552
improperly handling firearms in a motor vehicle. A violation of 553
division (A) of this section is a felony of the fourth degree. A 554
violation of division ~~(C)~~ (B) of this section is a misdemeanor 555
of the fourth degree. A violation of division ~~(D)~~ (C) of this 556
section is a felony of the fifth degree or, if the loaded 557
handgun is concealed on the person's person, a felony of the 558
fourth degree. A violation of division ~~(E) (1)~~ (D) (1) or (2) of 559
this section is a misdemeanor of the second degree. A violation 560
of division ~~(E) (4)~~ (D) (4) of this section is a felony of the 561
fifth degree. A violation of division ~~(E) (3)~~ (D) (3) or (5) of 562
this section is a misdemeanor of the first degree or, if the 563
offender previously has been convicted of or pleaded guilty to a 564
violation of division ~~(E) (3)~~ (D) (3) or (5) of this section, a 565
felony of the fifth degree. In addition to any other penalty or 566
sanction imposed for a misdemeanor violation of division ~~(E) (3)~~ 567
(D) (3) or (5) of this section, the offender's concealed handgun 568
license shall be suspended pursuant to division (A) (2) of 569
section 2923.128 of the Revised Code. ~~A violation of division~~ 570
~~(B) of this section is a felony of the fourth degree.~~ 571

~~(J)~~ (I) If a law enforcement officer stops a motor vehicle 572
for a traffic stop or any other purpose, if any person in the 573
motor vehicle surrenders a firearm to the officer, either 574
voluntarily or pursuant to a request or demand of the officer, 575
and if the officer does not charge the person with a violation 576
of this section or arrest the person for any offense, the person 577
is not otherwise prohibited by law from possessing the firearm, 578
and the firearm is not contraband, the officer shall return the 579
firearm to the person at the termination of the stop. If a court 580
orders a law enforcement officer to return a firearm to a person 581

pursuant to the requirement set forth in this division, division 582
(B) of section 2923.163 of the Revised Code applies. 583

~~(K)~~ (J) As used in this section: 584

(1) "Motor vehicle," "street," and "highway" have the same 585
meanings as in section 4511.01 of the Revised Code. 586

(2) "Occupied structure" has the same meaning as in 587
section 2909.01 of the Revised Code. 588

(3) "Agriculture" has the same meaning as in section 589
519.01 of the Revised Code. 590

(4) "Tenant" has the same meaning as in section 1531.01 of 591
the Revised Code. 592

(5) (a) "Unloaded" means, with respect to a firearm other 593
than a firearm described in division ~~(K) (6)~~ (J) (6) of this 594
section, that no ammunition is in the firearm in question, no 595
magazine or speed loader containing ammunition is inserted into 596
the firearm in question, and one of the following applies: 597

(i) There is no ammunition in a magazine or speed loader 598
that is in the vehicle in question and that may be used with the 599
firearm in question. 600

(ii) Any magazine or speed loader that contains ammunition 601
and that may be used with the firearm in question is stored in a 602
compartment within the vehicle in question that cannot be 603
accessed without leaving the vehicle or is stored in a container 604
that provides complete and separate enclosure. 605

(b) For the purposes of division ~~(K) (5) (a) (ii)~~ (J) (5) (a) 606
(ii) of this section, a "container that provides complete and 607
separate enclosure" includes, but is not limited to, any of the 608
following: 609

(i) A package, box, or case with multiple compartments, as 610
long as the loaded magazine or speed loader and the firearm in 611
question either are in separate compartments within the package, 612
box, or case, or, if they are in the same compartment, the 613
magazine or speed loader is contained within a separate 614
enclosure in that compartment that does not contain the firearm 615
and that closes using a snap, button, buckle, zipper, hook and 616
loop closing mechanism, or other fastener that must be opened to 617
access the contents or the firearm is contained within a 618
separate enclosure of that nature in that compartment that does 619
not contain the magazine or speed loader; 620

(ii) A pocket or other enclosure on the person of the 621
person in question that closes using a snap, button, buckle, 622
zipper, hook and loop closing mechanism, or other fastener that 623
must be opened to access the contents. 624

(c) For the purposes of divisions ~~(K) (5) (a)~~ (J) (5) (a) and 625
(b) of this section, ammunition held in stripper-clips or in en- 626
bloc clips is not considered ammunition that is loaded into a 627
magazine or speed loader. 628

(6) "Unloaded" means, with respect to a firearm employing 629
a percussion cap, flintlock, or other obsolete ignition system, 630
when the weapon is uncapped or when the priming charge is 631
removed from the pan. 632

(7) "Commercial motor vehicle" has the same meaning as in 633
division (A) of section 4506.25 of the Revised Code. 634

(8) "Motor carrier enforcement unit" means the motor 635
carrier enforcement unit in the department of public safety, 636
division of state highway patrol, that is created by section 637
5503.34 of the Revised Code. 638

~~(I)-(K)~~ Divisions ~~(K)(5)(a)~~ (J)(5)(a) and (b) of this 639
section do not affect the authority of a person who has been 640
issued a concealed handgun license that is valid at the time in 641
question to have one or more magazines or speed loaders 642
containing ammunition anywhere in a vehicle, without being 643
transported as described in those divisions, as long as no 644
ammunition is in a firearm, other than a handgun, in the vehicle 645
other than as permitted under any other provision of this 646
chapter. A person who has been issued a concealed handgun 647
license that is valid at the time in question may have one or 648
more magazines or speed loaders containing ammunition anywhere 649
in a vehicle without further restriction, as long as no 650
ammunition is in a firearm, other than a handgun, in the vehicle 651
other than as permitted under any provision of this chapter. 652

Sec. 2953.35. (A) Any person who is convicted of, was 653
convicted of, pleads guilty to, or has pleaded guilty to a 654
violation of former division (B), (C), or (E) of section 2923.16 655
of the Revised Code as ~~the division~~ those divisions existed 656
prior to September 30, 2011, or a violation of former division 657
(E)(1) or (2) of section 2923.16 of the Revised Code as ~~the~~ 658
~~division~~ those divisions existed prior to June 13, 2022, and who 659
is authorized by division ~~(H)(2)(a)~~ (G)(2)(a) of that section to 660
file an application under this section for the expungement of 661
the conviction record may apply to the sentencing court for the 662
expungement of the record of conviction. Any person who is 663
convicted of, was convicted of, pleads guilty to, or has pleaded 664
guilty to a violation of division (B)(1) of section 2923.12 of 665
the Revised Code as it existed prior to June 13, 2022, and who 666
is authorized by division (E)(2) of that section may apply to 667
the sentencing court for the expungement of the record of 668
conviction. The person may file the application at any time on 669

or after September 30, 2011, with respect to violations of 670
former division (B), (C), or (E) of section 2923.16 of the 671
Revised Code as ~~they~~those divisions existed prior to ~~that~~ 672
~~date~~September 30, 2011, or at any time on or after June 13, 673
2022, with respect to a violation of division (B)(1) of section 674
2923.12 of the Revised Code or of division ~~(E)(1)~~(D)(1) or (2) 675
of section 2923.16 of the Revised Code as the particular 676
division existed prior to June 13, 2022. The application shall 677
do all of the following: 678

(1) Identify the applicant, the offense for which the 679
expungement is sought, the date of the conviction of or plea of 680
guilty to that offense, and the court in which the conviction 681
occurred or the plea of guilty was entered; 682

(2) Include evidence that the offense was a violation of 683
former division (B), (C), or (E) of section 2923.16 of the 684
Revised Code as ~~the division~~those divisions existed prior to 685
September 30, 2011, or was a violation of division (B)(1) of 686
section 2923.12 of the Revised Code or of division ~~(E)(1)~~(D)(1) 687
or (2) of section 2923.16 of the Revised Code as the particular 688
division existed prior to June 13, 2022, and that the applicant 689
is authorized by division ~~(H)(2)(a)~~(G)(2)(a) of section 2923.16 690
or division (E)(2) of section 2923.12 of the Revised Code, 691
whichever is applicable, to file an application under this 692
section; 693

(3) Include a request for expungement of the record of 694
conviction of that offense under this section. 695

(B) Upon the filing of an application under division (A) 696
of this section and the payment of the fee described in division 697
(C)(3) of this section if applicable, the court shall set a date 698
for a hearing and shall notify the prosecutor for the case of 699

the hearing on the application. The prosecutor may object to the 700
granting of the application by filing an objection with the 701
court prior to the date set for the hearing. The prosecutor 702
shall specify in the objection the reasons for believing a 703
denial of the application is justified. The court shall direct 704
its regular probation officer, a state probation officer, or the 705
department of probation of the county in which the applicant 706
resides to make inquiries and written reports as the court 707
requires concerning the applicant. The court shall hold the 708
hearing scheduled under this division. 709

(C) (1) At the hearing held under division (B) of this 710
section, the court shall do each of the following: 711

(a) Determine whether the applicant has been convicted of 712
or pleaded guilty to a violation of former division (E) of 713
section 2923.16 of the Revised Code as the division existed 714
prior to September 30, 2011, and whether the conduct that was 715
the basis of the violation no longer would be a violation of 716
that division on or after September 30, 2011; 717

(b) Determine whether the applicant has been convicted of 718
or pleaded guilty to a violation of former division (B) or (C) 719
of section 2923.16 of the Revised Code as ~~the division~~ those 720
divisions existed prior to September 30, 2011, and whether the 721
conduct that was the basis of the violation no longer would be a 722
violation of that division on or after September 30, 2011, until 723
the effective date of this amendment, due to the application of 724
division (F) (5) of that section as it ~~exists~~ existed on and 725
after September 30, 2011, until the effective date of this 726
amendment and division (E) (5) of that section as it exists on 727
and after the effective date of this amendment; 728

(c) Determine whether the applicant has been convicted of 729

or pleaded guilty to a violation of division (B) (1) of section 730
2923.12 of the Revised Code or of division ~~(E) (1)~~ (D) (1) or (2) 731
of section 2923.16 of the Revised Code as the particular 732
division existed prior to June 13, 2022; 733

(d) If the prosecutor has filed an objection in accordance 734
with division (B) of this section, consider the reasons against 735
granting the application specified by the prosecutor in the 736
objection; 737

(e) Weigh the interests of the applicant in having the 738
records pertaining to the applicant's conviction or guilty plea 739
expunged against the legitimate needs, if any, of the government 740
to maintain those records. 741

(2) (a) The court may order the expungement of all official 742
records pertaining to the case and the deletion of all index 743
references to the case and, if it does order the expungement, 744
shall send notice of the order to each public office or agency 745
that the court has reason to believe may have an official record 746
pertaining to the case if the court, after complying with 747
division (C) (1) of this section, determines both of the 748
following: 749

(i) That the applicant has been convicted of or pleaded 750
guilty to a violation of former division (E) of section 2923.16 751
of the Revised Code as it existed prior to September 30, 2011, 752
and the conduct that was the basis of the violation no longer 753
would be a violation of that division on or after September 30, 754
2011; that the applicant has been convicted of or pleaded guilty 755
to a violation of former division (B) or (C) of section 2923.16 756
of the Revised Code as ~~the division~~ those divisions existed 757
prior to September 30, 2011, and the conduct that was the basis 758
of the violation no longer would be a violation of that division 759

on or after September 30, 2011, until the effective date of this 760
amendment, due to the application of former division (F) (5) of 761
that section as it ~~exists~~ existed on and after September 30, 762
2011, until the effective date of this amendment and division 763
(E) (5) of that section as it exists on and after the effective 764
date of this amendment; or that the applicant has been convicted 765
of or pleaded guilty to a violation of division (B) (1) of 766
section 2923.12 of the Revised Code or of division ~~(E) (1)~~ (D) (1) 767
or (2) of section 2923.16 of the Revised Code as the particular 768
division existed prior to June 13, 2022; 769

(ii) That the interests of the applicant in having the 770
records pertaining to the applicant's conviction or guilty plea 771
expunged are not outweighed by any legitimate needs of the 772
government to maintain those records. 773

(b) The proceedings in the case that is the subject of an 774
order issued under division (C) (2) (a) of this section shall be 775
considered not to have occurred and the conviction or guilty 776
plea of the person who is the subject of the proceedings shall 777
be expunged. The record of the conviction shall not be used for 778
any purpose, including, but not limited to, a criminal records 779
check under section 109.572 of the Revised Code or a 780
determination under section 2923.125 or 2923.1213 of the Revised 781
Code of eligibility for a concealed handgun license. The 782
applicant may, and the court shall, reply that no record exists 783
with respect to the applicant upon any inquiry into the matter. 784

(3) Upon the filing of an application under this section, 785
the applicant, unless indigent, shall pay a fee of fifty 786
dollars. The court shall pay thirty dollars of the fee into the 787
state treasury and shall pay twenty dollars of the fee into the 788
county general revenue fund. 789

Sec. 4511.19. (A) (1) No person shall operate any vehicle,	790
streetcar, or trackless trolley within this state, if, at the	791
time of the operation, any of the following apply:	792
(a) The person is under the influence of alcohol, a drug	793
of abuse, or a combination of them.	794
(b) The person has a concentration of eight-hundredths of	795
one per cent or more but less than seventeen-hundredths of one	796
per cent by weight per unit volume of alcohol in the person's	797
whole blood.	798
(c) The person has a concentration of ninety-six-	799
thousandths of one per cent or more but less than two hundred	800
four-thousandths of one per cent by weight per unit volume of	801
alcohol in the person's blood serum or plasma.	802
(d) The person has a concentration of eight-hundredths of	803
one gram or more but less than seventeen-hundredths of one gram	804
by weight of alcohol per two hundred ten liters of the person's	805
breath.	806
(e) The person has a concentration of eleven-hundredths of	807
one gram or more but less than two hundred thirty-eight-	808
thousandths of one gram by weight of alcohol per one hundred	809
milliliters of the person's urine.	810
(f) The person has a concentration of seventeen-hundredths	811
of one per cent or more by weight per unit volume of alcohol in	812
the person's whole blood.	813
(g) The person has a concentration of two hundred four-	814
thousandths of one per cent or more by weight per unit volume of	815
alcohol in the person's blood serum or plasma.	816
(h) The person has a concentration of seventeen-hundredths	817

of one gram or more by weight of alcohol per two hundred ten 818
liters of the person's breath. 819

(i) The person has a concentration of two hundred thirty- 820
eight-thousandths of one gram or more by weight of alcohol per 821
one hundred milliliters of the person's urine. 822

(j) Except as provided in division (K) of this section, 823
the person has a concentration of any of the following 824
controlled substances or metabolites of a controlled substance 825
in the person's whole blood, blood serum or plasma, or urine 826
that equals or exceeds any of the following: 827

(i) The person has a concentration of amphetamine in the 828
person's urine of at least five hundred nanograms of amphetamine 829
per milliliter of the person's urine or has a concentration of 830
amphetamine in the person's whole blood or blood serum or plasma 831
of at least one hundred nanograms of amphetamine per milliliter 832
of the person's whole blood or blood serum or plasma. 833

(ii) The person has a concentration of cocaine in the 834
person's urine of at least one hundred fifty nanograms of 835
cocaine per milliliter of the person's urine or has a 836
concentration of cocaine in the person's whole blood or blood 837
serum or plasma of at least fifty nanograms of cocaine per 838
milliliter of the person's whole blood or blood serum or plasma. 839

(iii) The person has a concentration of cocaine metabolite 840
in the person's urine of at least one hundred fifty nanograms of 841
cocaine metabolite per milliliter of the person's urine or has a 842
concentration of cocaine metabolite in the person's whole blood 843
or blood serum or plasma of at least fifty nanograms of cocaine 844
metabolite per milliliter of the person's whole blood or blood 845
serum or plasma. 846

(iv) The person has a concentration of heroin in the 847
person's urine of at least two thousand nanograms of heroin per 848
milliliter of the person's urine or has a concentration of 849
heroin in the person's whole blood or blood serum or plasma of 850
at least fifty nanograms of heroin per milliliter of the 851
person's whole blood or blood serum or plasma. 852

(v) The person has a concentration of heroin metabolite 853
(6-monoacetyl morphine) in the person's urine of at least ten 854
nanograms of heroin metabolite (6-monoacetyl morphine) per 855
milliliter of the person's urine or has a concentration of 856
heroin metabolite (6-monoacetyl morphine) in the person's whole 857
blood or blood serum or plasma of at least ten nanograms of 858
heroin metabolite (6-monoacetyl morphine) per milliliter of the 859
person's whole blood or blood serum or plasma. 860

(vi) The person has a concentration of L.S.D. in the 861
person's urine of at least twenty-five nanograms of L.S.D. per 862
milliliter of the person's urine or a concentration of L.S.D. in 863
the person's whole blood or blood serum or plasma of at least 864
ten nanograms of L.S.D. per milliliter of the person's whole 865
blood or blood serum or plasma. 866

(vii) The person has a concentration of marihuana in the 867
person's urine of at least ten nanograms of marihuana per 868
milliliter of the person's urine or has a concentration of 869
marihuana in the person's whole blood or blood serum or plasma 870
of at least two nanograms of marihuana per milliliter of the 871
person's whole blood or blood serum or plasma. 872

(viii) Either of the following applies: 873

(I) The person is under the influence of alcohol, a drug 874
of abuse, or a combination of them, and the person has a 875

concentration of marihuana metabolite in the person's urine of 876
at least fifteen nanograms of marihuana metabolite per 877
milliliter of the person's urine or has a concentration of 878
marihuana metabolite in the person's whole blood or blood serum 879
or plasma of at least five nanograms of marihuana metabolite per 880
milliliter of the person's whole blood or blood serum or plasma. 881

(II) The person has a concentration of marihuana 882
metabolite in the person's urine of at least thirty-five 883
nanograms of marihuana metabolite per milliliter of the person's 884
urine or has a concentration of marihuana metabolite in the 885
person's whole blood or blood serum or plasma of at least fifty 886
nanograms of marihuana metabolite per milliliter of the person's 887
whole blood or blood serum or plasma. 888

(ix) The person has a concentration of methamphetamine in 889
the person's urine of at least five hundred nanograms of 890
methamphetamine per milliliter of the person's urine or has a 891
concentration of methamphetamine in the person's whole blood or 892
blood serum or plasma of at least one hundred nanograms of 893
methamphetamine per milliliter of the person's whole blood or 894
blood serum or plasma. 895

(x) The person has a concentration of phencyclidine in the 896
person's urine of at least twenty-five nanograms of 897
phencyclidine per milliliter of the person's urine or has a 898
concentration of phencyclidine in the person's whole blood or 899
blood serum or plasma of at least ten nanograms of phencyclidine 900
per milliliter of the person's whole blood or blood serum or 901
plasma. 902

(xi) The state board of pharmacy has adopted a rule 903
pursuant to section 4729.041 of the Revised Code that specifies 904
the amount of salvia divinorum and the amount of salvinorin A 905

that constitute concentrations of salvia divinorum and 906
salvinorin A in a person's urine, in a person's whole blood, or 907
in a person's blood serum or plasma at or above which the person 908
is impaired for purposes of operating any vehicle, streetcar, or 909
trackless trolley within this state, the rule is in effect, and 910
the person has a concentration of salvia divinorum or salvinorin 911
A of at least that amount so specified by rule in the person's 912
urine, in the person's whole blood, or in the person's blood 913
serum or plasma. 914

(2) No person who, within twenty years of the conduct 915
described in division (A) (2) (a) of this section, previously has 916
been convicted of or pleaded guilty to a violation of this 917
division, a violation of division (A) (1) of this section, or any 918
other equivalent offense shall do both of the following: 919

(a) Operate any vehicle, streetcar, or trackless trolley 920
within this state while under the influence of alcohol, a drug 921
of abuse, or a combination of them; 922

(b) Subsequent to being arrested for operating the 923
vehicle, streetcar, or trackless trolley as described in 924
division (A) (2) (a) of this section, being asked by a law 925
enforcement officer to submit to a chemical test or tests under 926
section 4511.191 of the Revised Code, and being advised by the 927
officer in accordance with section 4511.192 of the Revised Code 928
of the consequences of the person's refusal or submission to the 929
test or tests, refuse to submit to the test or tests. 930

(B) No person under twenty-one years of age shall operate 931
any vehicle, streetcar, or trackless trolley within this state, 932
if, at the time of the operation, any of the following apply: 933

(1) The person has a concentration of at least two- 934

hundredths of one per cent but less than eight-hundredths of one 935
per cent by weight per unit volume of alcohol in the person's 936
whole blood. 937

(2) The person has a concentration of at least three- 938
hundredths of one per cent but less than ninety-six-thousandths 939
of one per cent by weight per unit volume of alcohol in the 940
person's blood serum or plasma. 941

(3) The person has a concentration of at least two- 942
hundredths of one gram but less than eight-hundredths of one 943
gram by weight of alcohol per two hundred ten liters of the 944
person's breath. 945

(4) The person has a concentration of at least twenty- 946
eight one-thousandths of one gram but less than eleven- 947
hundredths of one gram by weight of alcohol per one hundred 948
milliliters of the person's urine. 949

(C) In any proceeding arising out of one incident, a 950
person may be charged with a violation of division (A) (1) (a) or 951
(A) (2) and a violation of division (B) (1), (2), or (3) of this 952
section, but the person may not be convicted of more than one 953
violation of these divisions. 954

(D) (1) (a) In any criminal prosecution or juvenile court 955
proceeding for a violation of division (A) (1) (a) of this section 956
or for an equivalent offense that is vehicle-related, the result 957
of any test of any blood, oral fluid, or urine withdrawn and 958
analyzed at any health care provider, as defined in section 959
2317.02 of the Revised Code, may be admitted with expert 960
testimony to be considered with any other relevant and competent 961
evidence in determining the guilt or innocence of the defendant. 962

(b) In any criminal prosecution or juvenile court 963

proceeding for a violation of division (A) or (B) of this 964
section or for an equivalent offense that is vehicle-related, 965
the court may admit evidence on the presence and concentration 966
of alcohol, drugs of abuse, controlled substances, metabolites 967
of a controlled substance, or a combination of them in the 968
defendant's whole blood, blood serum or plasma, breath, urine, 969
oral fluid, or other bodily substance at the time of the alleged 970
violation as shown by chemical analysis of the substance 971
withdrawn within three hours of the time of the alleged 972
violation. The three-hour time limit specified in this division 973
regarding the admission of evidence does not extend or affect 974
the two-hour time limit specified in division (A) of section 975
4511.192 of the Revised Code as the maximum period of time 976
during which a person may consent to a chemical test or tests as 977
described in that section. The court may admit evidence on the 978
presence and concentration of alcohol, drugs of abuse, or a 979
combination of them as described in this division when a person 980
submits to a blood, breath, urine, oral fluid, or other bodily 981
substance test at the request of a law enforcement officer under 982
section 4511.191 of the Revised Code or a blood or urine sample 983
is obtained pursuant to a search warrant. Only a physician, a 984
registered nurse, an emergency medical technician-intermediate, 985
an emergency medical technician-paramedic, or a qualified 986
technician, chemist, or phlebotomist shall withdraw a blood 987
sample for the purpose of determining the alcohol, drug, 988
controlled substance, metabolite of a controlled substance, or 989
combination content of the whole blood, blood serum, or blood 990
plasma. This limitation does not apply to the taking of breath, 991
oral fluid, or urine specimens. A person authorized to withdraw 992
blood under this division may refuse to withdraw blood under 993
this division, if in that person's opinion, the physical welfare 994
of the person would be endangered by the withdrawing of blood. 995

The bodily substance withdrawn under division (D) (1) (b) of 996
this section shall be analyzed in accordance with methods 997
approved by the director of health by an individual possessing a 998
valid permit issued by the director pursuant to section 3701.143 999
of the Revised Code. 1000

(c) As used in division (D) (1) (b) of this section, 1001
"emergency medical technician-intermediate" and "emergency 1002
medical technician-paramedic" have the same meanings as in 1003
section 4765.01 of the Revised Code. 1004

(2) In a criminal prosecution or juvenile court proceeding 1005
for a violation of division (A) of this section or for an 1006
equivalent offense that is vehicle-related, if there was at the 1007
time the bodily substance was withdrawn a concentration of less 1008
than the applicable concentration of alcohol specified in 1009
divisions (A) (1) (b), (c), (d), and (e) of this section or less 1010
than the applicable concentration of a listed controlled 1011
substance or a listed metabolite of a controlled substance 1012
specified for a violation of division (A) (1) (j) of this section, 1013
that fact may be considered with other competent evidence in 1014
determining the guilt or innocence of the defendant. This 1015
division does not limit or affect a criminal prosecution or 1016
juvenile court proceeding for a violation of division (B) of 1017
this section or for an equivalent offense that is substantially 1018
equivalent to that division. 1019

(3) Upon the request of the person who was tested, the 1020
results of the chemical test shall be made available to the 1021
person or the person's attorney, immediately upon the completion 1022
of the chemical test analysis. 1023

If the chemical test was obtained pursuant to division (D) 1024
(1) (b) of this section, the person tested may have a physician, 1025

a registered nurse, or a qualified technician, chemist, or 1026
phlebotomist of the person's own choosing administer a chemical 1027
test or tests, at the person's expense, in addition to any 1028
administered at the request of a law enforcement officer. If the 1029
person was under arrest as described in division (A) (5) of 1030
section 4511.191 of the Revised Code, the arresting officer 1031
shall advise the person at the time of the arrest that the 1032
person may have an independent chemical test taken at the 1033
person's own expense. If the person was under arrest other than 1034
described in division (A) (5) of section 4511.191 of the Revised 1035
Code, the form to be read to the person to be tested, as 1036
required under section 4511.192 of the Revised Code, shall state 1037
that the person may have an independent test performed at the 1038
person's expense. The failure or inability to obtain an 1039
additional chemical test by a person shall not preclude the 1040
admission of evidence relating to the chemical test or tests 1041
taken at the request of a law enforcement officer. 1042

(4) (a) As used in divisions (D) (4) (b) and (c) of this 1043
section, "national highway traffic safety administration" means 1044
the national highway traffic safety administration established 1045
as an administration of the United States department of 1046
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

(b) In any criminal prosecution or juvenile court 1048
proceeding for a violation of division (A) or (B) of this 1049
section, of a municipal ordinance relating to operating a 1050
vehicle while under the influence of alcohol, a drug of abuse, 1051
or alcohol and a drug of abuse, or of a municipal ordinance 1052
relating to operating a vehicle with a prohibited concentration 1053
of alcohol, a controlled substance, or a metabolite of a 1054
controlled substance in the whole blood, blood serum or plasma, 1055
breath, oral fluid, or urine, if a law enforcement officer has 1056

administered a field sobriety test to the operator of the 1057
vehicle involved in the violation and if it is shown by clear 1058
and convincing evidence that the officer administered the test 1059
in substantial compliance with the testing standards for any 1060
reliable, credible, and generally accepted field sobriety tests 1061
that were in effect at the time the tests were administered, 1062
including, but not limited to, any testing standards then in 1063
effect that were set by the national highway traffic safety 1064
administration, all of the following apply: 1065

(i) The officer may testify concerning the results of the 1066
field sobriety test so administered. 1067

(ii) The prosecution may introduce the results of the 1068
field sobriety test so administered as evidence in any 1069
proceedings in the criminal prosecution or juvenile court 1070
proceeding. 1071

(iii) If testimony is presented or evidence is introduced 1072
under division (D) (4) (b) (i) or (ii) of this section and if the 1073
testimony or evidence is admissible under the Rules of Evidence, 1074
the court shall admit the testimony or evidence and the trier of 1075
fact shall give it whatever weight the trier of fact considers 1076
to be appropriate. 1077

(c) Division (D) (4) (b) of this section does not limit or 1078
preclude a court, in its determination of whether the arrest of 1079
a person was supported by probable cause or its determination of 1080
any other matter in a criminal prosecution or juvenile court 1081
proceeding of a type described in that division, from 1082
considering evidence or testimony that is not otherwise 1083
disallowed by division (D) (4) (b) of this section. 1084

(E) (1) Subject to division (E) (3) of this section, in any 1085

criminal prosecution or juvenile court proceeding for a 1086
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 1087
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 1088
an equivalent offense that is substantially equivalent to any of 1089
those divisions, a laboratory report from any laboratory 1090
personnel issued a permit by the department of health 1091
authorizing an analysis as described in this division that 1092
contains an analysis of the whole blood, blood serum or plasma, 1093
breath, urine, or other bodily substance tested and that 1094
contains all of the information specified in this division shall 1095
be admitted as prima-facie evidence of the information and 1096
statements that the report contains. The laboratory report shall 1097
contain all of the following: 1098

(a) The signature, under oath, of any person who performed 1099
the analysis; 1100

(b) Any findings as to the identity and quantity of 1101
alcohol, a drug of abuse, a controlled substance, a metabolite 1102
of a controlled substance, or a combination of them that was 1103
found; 1104

(c) A copy of a notarized statement by the laboratory 1105
director or a designee of the director that contains the name of 1106
each certified analyst or test performer involved with the 1107
report, the analyst's or test performer's employment 1108
relationship with the laboratory that issued the report, and a 1109
notation that performing an analysis of the type involved is 1110
part of the analyst's or test performer's regular duties; 1111

(d) An outline of the analyst's or test performer's 1112
education, training, and experience in performing the type of 1113
analysis involved and a certification that the laboratory 1114
satisfies appropriate quality control standards in general and, 1115

in this particular analysis, under rules of the department of 1116
health. 1117

(2) Notwithstanding any other provision of law regarding 1118
the admission of evidence, a report of the type described in 1119
division (E)(1) of this section is not admissible against the 1120
defendant to whom it pertains in any proceeding, other than a 1121
preliminary hearing or a grand jury proceeding, unless the 1122
prosecutor has served a copy of the report on the defendant's 1123
attorney or, if the defendant has no attorney, on the defendant. 1124

(3) A report of the type described in division (E)(1) of 1125
this section shall not be prima-facie evidence of the contents, 1126
identity, or amount of any substance if, within seven days after 1127
the defendant to whom the report pertains or the defendant's 1128
attorney receives a copy of the report, the defendant or the 1129
defendant's attorney demands the testimony of the person who 1130
signed the report. The judge in the case may extend the seven- 1131
day time limit in the interest of justice. 1132

(F) Except as otherwise provided in this division, any 1133
physician, registered nurse, emergency medical technician- 1134
intermediate, emergency medical technician-paramedic, or 1135
qualified technician, chemist, or phlebotomist who withdraws 1136
blood from a person pursuant to this section or section 4511.191 1137
or 4511.192 of the Revised Code, and any hospital, first-aid 1138
station, or clinic at which blood is withdrawn from a person 1139
pursuant to this section or section 4511.191 or 4511.192 of the 1140
Revised Code, is immune from criminal liability and civil 1141
liability based upon a claim of assault and battery or any other 1142
claim that is not a claim of malpractice, for any act performed 1143
in withdrawing blood from the person. The immunity provided in 1144
this division also extends to an emergency medical service 1145

organization that employs an emergency medical technician- 1146
intermediate or emergency medical technician-paramedic who 1147
withdraws blood under this section. The immunity provided in 1148
this division is not available to a person who withdraws blood 1149
if the person engages in willful or wanton misconduct. 1150

As used in this division, "emergency medical technician- 1151
intermediate" and "emergency medical technician-paramedic" have 1152
the same meanings as in section 4765.01 of the Revised Code. 1153

(G) (1) Whoever violates any provision of divisions (A) (1) 1154
(a) to (i) or (A) (2) of this section is guilty of operating a 1155
vehicle under the influence of alcohol, a drug of abuse, or a 1156
combination of them. Whoever violates division (A) (1) (j) of this 1157
section is guilty of operating a vehicle while under the 1158
influence of a listed controlled substance or a listed 1159
metabolite of a controlled substance. The court shall sentence 1160
the offender for either offense under Chapter 2929. of the 1161
Revised Code, except as otherwise authorized or required by 1162
divisions (G) (1) (a) to (e) of this section: 1163

(a) Except as otherwise provided in division (G) (1) (b), 1164
(c), (d), or (e) of this section, the offender is guilty of a 1165
misdemeanor of the first degree, and the court shall sentence 1166
the offender to all of the following: 1167

(i) If the sentence is being imposed for a violation of 1168
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1169
a mandatory jail term of three consecutive days. As used in this 1170
division, three consecutive days means seventy-two consecutive 1171
hours. The court may sentence an offender to both an 1172
intervention program and a jail term. The court may impose a 1173
jail term in addition to the three-day mandatory jail term or 1174
intervention program. However, in no case shall the cumulative 1175

jail term imposed for the offense exceed six months. 1176

The court may suspend the execution of the three-day jail 1177
term under this division if the court, in lieu of that suspended 1178
term, places the offender under a community control sanction 1179
pursuant to section 2929.25 of the Revised Code and requires the 1180
offender to attend, for three consecutive days, a drivers' 1181
intervention program certified under section 5119.38 of the 1182
Revised Code. The court also may suspend the execution of any 1183
part of the three-day jail term under this division if it places 1184
the offender under a community control sanction pursuant to 1185
section 2929.25 of the Revised Code for part of the three days, 1186
requires the offender to attend for the suspended part of the 1187
term a drivers' intervention program so certified, and sentences 1188
the offender to a jail term equal to the remainder of the three 1189
consecutive days that the offender does not spend attending the 1190
program. The court may require the offender, as a condition of 1191
community control and in addition to the required attendance at 1192
a drivers' intervention program, to attend and satisfactorily 1193
complete any treatment or education programs that comply with 1194
the minimum standards adopted pursuant to Chapter 5119. of the 1195
Revised Code by the director of mental health and addiction 1196
services that the operators of the drivers' intervention program 1197
determine that the offender should attend and to report 1198
periodically to the court on the offender's progress in the 1199
programs. The court also may impose on the offender any other 1200
conditions of community control that it considers necessary. 1201

If the court grants unlimited driving privileges to a 1202
first-time offender under section 4510.022 of the Revised Code, 1203
all penalties imposed upon the offender by the court under 1204
division (G)(1)(a)(i) of this section for the offense apply, 1205
except that the court shall suspend any mandatory or additional 1206

jail term imposed by the court under division (G)(1)(a)(i) of 1207
this section upon granting unlimited driving privileges in 1208
accordance with section 4510.022 of the Revised Code. 1209

(ii) If the sentence is being imposed for a violation of 1210
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1211
section, except as otherwise provided in this division, a 1212
mandatory jail term of at least three consecutive days and a 1213
requirement that the offender attend, for three consecutive 1214
days, a drivers' intervention program that is certified pursuant 1215
to section 5119.38 of the Revised Code. As used in this 1216
division, three consecutive days means seventy-two consecutive 1217
hours. If the court determines that the offender is not 1218
conducive to treatment in a drivers' intervention program, if 1219
the offender refuses to attend a drivers' intervention program, 1220
or if the jail at which the offender is to serve the jail term 1221
imposed can provide a driver's intervention program, the court 1222
shall sentence the offender to a mandatory jail term of at least 1223
six consecutive days. 1224

If the court grants unlimited driving privileges to a 1225
first-time offender under section 4510.022 of the Revised Code, 1226
all penalties imposed upon the offender by the court under 1227
division (G)(1)(a)(ii) of this section for the offense apply, 1228
except that the court shall suspend any mandatory or additional 1229
jail term imposed by the court under division (G)(1)(a)(ii) of 1230
this section upon granting unlimited driving privileges in 1231
accordance with section 4510.022 of the Revised Code. 1232

The court may require the offender, under a community 1233
control sanction imposed under section 2929.25 of the Revised 1234
Code, to attend and satisfactorily complete any treatment or 1235
education programs that comply with the minimum standards 1236

adopted pursuant to Chapter 5119. of the Revised Code by the 1237
director of mental health and addiction services, in addition to 1238
the required attendance at drivers' intervention program, that 1239
the operators of the drivers' intervention program determine 1240
that the offender should attend and to report periodically to 1241
the court on the offender's progress in the programs. The court 1242
also may impose any other conditions of community control on the 1243
offender that it considers necessary. 1244

(iii) In all cases, a fine of not less than five hundred 1245
sixty-five and not more than one thousand seventy-five dollars; 1246

(iv) In all cases, a suspension of the offender's driver's 1247
or commercial driver's license or permit or nonresident 1248
operating privilege for a definite period of one to three years. 1249
The court may grant limited driving privileges relative to the 1250
suspension under sections 4510.021 and 4510.13 of the Revised 1251
Code. The court may grant unlimited driving privileges with an 1252
ignition interlock device relative to the suspension and may 1253
reduce the period of suspension as authorized under section 1254
4510.022 of the Revised Code. 1255

(b) Except as otherwise provided in division (G) (1) (e) of 1256
this section, an offender who, within ten years of the offense, 1257
previously has been convicted of or pleaded guilty to one 1258
violation of division (A) of this section or one other 1259
equivalent offense is guilty of a misdemeanor of the first 1260
degree. The court shall sentence the offender to all of the 1261
following: 1262

(i) If the sentence is being imposed for a violation of 1263
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 1264
a mandatory jail term of ten consecutive days. The court shall 1265
impose the ten-day mandatory jail term under this division 1266

unless, subject to division (G)(3) of this section, it instead 1267
imposes a sentence under that division consisting of both a jail 1268
term and a term of house arrest with electronic monitoring, with 1269
continuous alcohol monitoring, or with both electronic 1270
monitoring and continuous alcohol monitoring. The court may 1271
impose a jail term in addition to the ten-day mandatory jail 1272
term. The cumulative jail term imposed for the offense shall not 1273
exceed six months. 1274

In addition to the jail term or the term of house arrest 1275
with electronic monitoring or continuous alcohol monitoring or 1276
both types of monitoring and jail term, the court shall require 1277
the offender to be assessed by a community addiction services 1278
provider that is authorized by section 5119.21 of the Revised 1279
Code, subject to division (I) of this section, and shall order 1280
the offender to follow the treatment recommendations of the 1281
services provider. The purpose of the assessment is to determine 1282
the degree of the offender's alcohol usage and to determine 1283
whether or not treatment is warranted. Upon the request of the 1284
court, the services provider shall submit the results of the 1285
assessment to the court, including all treatment recommendations 1286
and clinical diagnoses related to alcohol use. 1287

(ii) If the sentence is being imposed for a violation of 1288
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1289
section, except as otherwise provided in this division, a 1290
mandatory jail term of twenty consecutive days. The court shall 1291
impose the twenty-day mandatory jail term under this division 1292
unless, subject to division (G)(3) of this section, it instead 1293
imposes a sentence under that division consisting of both a jail 1294
term and a term of house arrest with electronic monitoring, with 1295
continuous alcohol monitoring, or with both electronic 1296
monitoring and continuous alcohol monitoring. The court may 1297

impose a jail term in addition to the twenty-day mandatory jail 1298
term. The cumulative jail term imposed for the offense shall not 1299
exceed six months. 1300

In addition to the jail term or the term of house arrest 1301
with electronic monitoring or continuous alcohol monitoring or 1302
both types of monitoring and jail term, the court shall require 1303
the offender to be assessed by a community addiction service 1304
provider that is authorized by section 5119.21 of the Revised 1305
Code, subject to division (I) of this section, and shall order 1306
the offender to follow the treatment recommendations of the 1307
services provider. The purpose of the assessment is to determine 1308
the degree of the offender's alcohol usage and to determine 1309
whether or not treatment is warranted. Upon the request of the 1310
court, the services provider shall submit the results of the 1311
assessment to the court, including all treatment recommendations 1312
and clinical diagnoses related to alcohol use. 1313

(iii) In all cases, notwithstanding the fines set forth in 1314
Chapter 2929. of the Revised Code, a fine of not less than seven 1315
hundred fifteen and not more than one thousand six hundred 1316
twenty-five dollars; 1317

(iv) In all cases, a suspension of the offender's driver's 1318
license, commercial driver's license, temporary instruction 1319
permit, probationary license, or nonresident operating privilege 1320
for a definite period of one to seven years. The court may grant 1321
limited driving privileges relative to the suspension under 1322
sections 4510.021 and 4510.13 of the Revised Code. 1323

(v) In all cases, if the vehicle is registered in the 1324
offender's name, immobilization of the vehicle involved in the 1325
offense for ninety days in accordance with section 4503.233 of 1326
the Revised Code and impoundment of the license plates of that 1327

vehicle for ninety days. 1328

(c) Except as otherwise provided in division (G)(1)(e) of 1329
this section, an offender who, within ten years of the offense, 1330
previously has been convicted of or pleaded guilty to two 1331
violations of division (A) of this section or other equivalent 1332
offenses is guilty of a misdemeanor. The court shall sentence 1333
the offender to all of the following: 1334

(i) If the sentence is being imposed for a violation of 1335
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1336
a mandatory jail term of thirty consecutive days. The court 1337
shall impose the thirty-day mandatory jail term under this 1338
division unless, subject to division (G)(3) of this section, it 1339
instead imposes a sentence under that division consisting of 1340
both a jail term and a term of house arrest with electronic 1341
monitoring, with continuous alcohol monitoring, or with both 1342
electronic monitoring and continuous alcohol monitoring. The 1343
court may impose a jail term in addition to the thirty-day 1344
mandatory jail term. Notwithstanding the jail terms set forth in 1345
sections 2929.21 to 2929.28 of the Revised Code, the additional 1346
jail term shall not exceed one year, and the cumulative jail 1347
term imposed for the offense shall not exceed one year. 1348

(ii) If the sentence is being imposed for a violation of 1349
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1350
section, a mandatory jail term of sixty consecutive days. The 1351
court shall impose the sixty-day mandatory jail term under this 1352
division unless, subject to division (G)(3) of this section, it 1353
instead imposes a sentence under that division consisting of 1354
both a jail term and a term of house arrest with electronic 1355
monitoring, with continuous alcohol monitoring, or with both 1356
electronic monitoring and continuous alcohol monitoring. The 1357

court may impose a jail term in addition to the sixty-day 1358
mandatory jail term. Notwithstanding the jail terms set forth in 1359
sections 2929.21 to 2929.28 of the Revised Code, the additional 1360
jail term shall not exceed one year, and the cumulative jail 1361
term imposed for the offense shall not exceed one year. 1362

(iii) In all cases, notwithstanding the fines set forth in 1363
Chapter 2929. of the Revised Code, a fine of not less than one 1364
thousand forty and not more than two thousand seven hundred 1365
fifty dollars; 1366

(iv) In all cases, a suspension of the offender's driver's 1367
license, commercial driver's license, temporary instruction 1368
permit, probationary license, or nonresident operating privilege 1369
for a definite period of two to twelve years. The court may 1370
grant limited driving privileges relative to the suspension 1371
under sections 4510.021 and 4510.13 of the Revised Code. 1372

(v) In all cases, if the vehicle is registered in the 1373
offender's name, criminal forfeiture of the vehicle involved in 1374
the offense in accordance with section 4503.234 of the Revised 1375
Code. Division (G) (6) of this section applies regarding any 1376
vehicle that is subject to an order of criminal forfeiture under 1377
this division. 1378

(vi) In all cases, the court shall order the offender to 1379
participate with a community addiction services provider 1380
authorized by section 5119.21 of the Revised Code, subject to 1381
division (I) of this section, and shall order the offender to 1382
follow the treatment recommendations of the services provider. 1383
The operator of the services provider shall determine and assess 1384
the degree of the offender's alcohol dependency and shall make 1385
recommendations for treatment. Upon the request of the court, 1386
the services provider shall submit the results of the assessment 1387

to the court, including all treatment recommendations and 1388
clinical diagnoses related to alcohol use. 1389

(d) Except as otherwise provided in division (G)(1)(e) of 1390
this section, an offender who, within ten years of the offense, 1391
previously has been convicted of or pleaded guilty to three or 1392
four violations of division (A) of this section or other 1393
equivalent offenses, an offender who, within twenty years of the 1394
offense, previously has been convicted of or pleaded guilty to 1395
five or more violations of that nature, or an offender who 1396
previously has been convicted of or pleaded guilty to a 1397
specification of the type described in section 2941.1413 of the 1398
Revised Code, is guilty of a felony of the fourth degree. The 1399
court shall sentence the offender to all of the following: 1400

(i) If the sentence is being imposed for a violation of 1401
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1402
a mandatory prison term of one, two, three, four, or five years 1403
as required by and in accordance with division (G)(2) of section 1404
2929.13 of the Revised Code if the offender also is convicted of 1405
or also pleads guilty to a specification of the type described 1406
in section 2941.1413 of the Revised Code or, in the discretion 1407
of the court, either a mandatory term of local incarceration of 1408
sixty consecutive days in accordance with division (G)(1) of 1409
section 2929.13 of the Revised Code or a mandatory prison term 1410
of sixty consecutive days in accordance with division (G)(2) of 1411
that section if the offender is not convicted of and does not 1412
plead guilty to a specification of that type. If the court 1413
imposes a mandatory term of local incarceration, it may impose a 1414
jail term in addition to the sixty-day mandatory term, the 1415
cumulative total of the mandatory term and the jail term for the 1416
offense shall not exceed one year, and, except as provided in 1417
division (A)(1) of section 2929.13 of the Revised Code, no 1418

prison term is authorized for the offense. If the court imposes 1419
a mandatory prison term, notwithstanding division (A) (4) of 1420
section 2929.14 of the Revised Code, it also may sentence the 1421
offender to a definite prison term that shall be not less than 1422
six months and not more than thirty months and the prison terms 1423
shall be imposed as described in division (G) (2) of section 1424
2929.13 of the Revised Code. If the court imposes a mandatory 1425
prison term or mandatory prison term and additional prison term, 1426
in addition to the term or terms so imposed, the court also may 1427
sentence the offender to a community control sanction for the 1428
offense, but the offender shall serve all of the prison terms so 1429
imposed prior to serving the community control sanction. 1430

(ii) If the sentence is being imposed for a violation of 1431
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 1432
section, a mandatory prison term of one, two, three, four, or 1433
five years as required by and in accordance with division (G) (2) 1434
of section 2929.13 of the Revised Code if the offender also is 1435
convicted of or also pleads guilty to a specification of the 1436
type described in section 2941.1413 of the Revised Code or, in 1437
the discretion of the court, either a mandatory term of local 1438
incarceration of one hundred twenty consecutive days in 1439
accordance with division (G) (1) of section 2929.13 of the 1440
Revised Code or a mandatory prison term of one hundred twenty 1441
consecutive days in accordance with division (G) (2) of that 1442
section if the offender is not convicted of and does not plead 1443
guilty to a specification of that type. If the court imposes a 1444
mandatory term of local incarceration, it may impose a jail term 1445
in addition to the one hundred twenty-day mandatory term, the 1446
cumulative total of the mandatory term and the jail term for the 1447
offense shall not exceed one year, and, except as provided in 1448
division (A) (1) of section 2929.13 of the Revised Code, no 1449

prison term is authorized for the offense. If the court imposes 1450
a mandatory prison term, notwithstanding division (A) (4) of 1451
section 2929.14 of the Revised Code, it also may sentence the 1452
offender to a definite prison term that shall be not less than 1453
six months and not more than thirty months and the prison terms 1454
shall be imposed as described in division (G) (2) of section 1455
2929.13 of the Revised Code. If the court imposes a mandatory 1456
prison term or mandatory prison term and additional prison term, 1457
in addition to the term or terms so imposed, the court also may 1458
sentence the offender to a community control sanction for the 1459
offense, but the offender shall serve all of the prison terms so 1460
imposed prior to serving the community control sanction. 1461

(iii) In all cases, notwithstanding section 2929.18 of the 1462
Revised Code, a fine of not less than one thousand five hundred 1463
forty nor more than ten thousand five hundred dollars; 1464

(iv) In all cases, a class two license suspension of the 1465
offender's driver's license, commercial driver's license, 1466
temporary instruction permit, probationary license, or 1467
nonresident operating privilege from the range specified in 1468
division (A) (2) of section 4510.02 of the Revised Code. The 1469
court may grant limited driving privileges relative to the 1470
suspension under sections 4510.021 and 4510.13 of the Revised 1471
Code. 1472

(v) In all cases, if the vehicle is registered in the 1473
offender's name, criminal forfeiture of the vehicle involved in 1474
the offense in accordance with section 4503.234 of the Revised 1475
Code. Division (G) (6) of this section applies regarding any 1476
vehicle that is subject to an order of criminal forfeiture under 1477
this division. 1478

(vi) In all cases, the court shall order the offender to 1479

participate with a community addiction services provider 1480
authorized by section 5119.21 of the Revised Code, subject to 1481
division (I) of this section, and shall order the offender to 1482
follow the treatment recommendations of the services provider. 1483
The operator of the services provider shall determine and assess 1484
the degree of the offender's alcohol dependency and shall make 1485
recommendations for treatment. Upon the request of the court, 1486
the services provider shall submit the results of the assessment 1487
to the court, including all treatment recommendations and 1488
clinical diagnoses related to alcohol use. 1489

(vii) In all cases, if the court sentences the offender to 1490
a mandatory term of local incarceration, in addition to the 1491
mandatory term, the court, pursuant to section 2929.17 of the 1492
Revised Code, may impose a term of house arrest with electronic 1493
monitoring. The term shall not commence until after the offender 1494
has served the mandatory term of local incarceration. 1495

(e) An offender who previously has been convicted of or 1496
pleaded guilty to a violation of division (A) of this section 1497
that was a felony, regardless of when the violation and the 1498
conviction or guilty plea occurred, is guilty of a felony of the 1499
third degree. The court shall sentence the offender to all of 1500
the following: 1501

(i) If the offender is being sentenced for a violation of 1502
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1503
a mandatory prison term of one, two, three, four, or five years 1504
as required by and in accordance with division (G)(2) of section 1505
2929.13 of the Revised Code if the offender also is convicted of 1506
or also pleads guilty to a specification of the type described 1507
in section 2941.1413 of the Revised Code or a mandatory prison 1508
term of sixty consecutive days in accordance with division (G) 1509

(2) of section 2929.13 of the Revised Code if the offender is 1510
not convicted of and does not plead guilty to a specification of 1511
that type. The court may impose a prison term in addition to the 1512
mandatory prison term. The cumulative total of a sixty-day 1513
mandatory prison term and the additional prison term for the 1514
offense shall not exceed five years. In addition to the 1515
mandatory prison term or mandatory prison term and additional 1516
prison term the court imposes, the court also may sentence the 1517
offender to a community control sanction for the offense, but 1518
the offender shall serve all of the prison terms so imposed 1519
prior to serving the community control sanction. 1520

(ii) If the sentence is being imposed for a violation of 1521
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1522
section, a mandatory prison term of one, two, three, four, or 1523
five years as required by and in accordance with division (G)(2) 1524
of section 2929.13 of the Revised Code if the offender also is 1525
convicted of or also pleads guilty to a specification of the 1526
type described in section 2941.1413 of the Revised Code or a 1527
mandatory prison term of one hundred twenty consecutive days in 1528
accordance with division (G)(2) of section 2929.13 of the 1529
Revised Code if the offender is not convicted of and does not 1530
plead guilty to a specification of that type. The court may 1531
impose a prison term in addition to the mandatory prison term. 1532
The cumulative total of a one hundred twenty-day mandatory 1533
prison term and the additional prison term for the offense shall 1534
not exceed five years. In addition to the mandatory prison term 1535
or mandatory prison term and additional prison term the court 1536
imposes, the court also may sentence the offender to a community 1537
control sanction for the offense, but the offender shall serve 1538
all of the prison terms so imposed prior to serving the 1539
community control sanction. 1540

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand five hundred forty nor more than ten thousand five hundred dollars;

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

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

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

(2) An offender who is convicted of or pleads guilty to a violation of division (A) of this section and who subsequently

seeks reinstatement of the driver's or occupational driver's 1571
license or permit or nonresident operating privilege suspended 1572
under this section as a result of the conviction or guilty plea 1573
shall pay a reinstatement fee as provided in division (F) (2) of 1574
section 4511.191 of the Revised Code. 1575

(3) If an offender is sentenced to a jail term under 1576
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 1577
section and if, within sixty days of sentencing of the offender, 1578
the court issues a written finding on the record that, due to 1579
the unavailability of space at the jail where the offender is 1580
required to serve the term, the offender will not be able to 1581
begin serving that term within the sixty-day period following 1582
the date of sentencing, the court may impose an alternative 1583
sentence under this division that includes a term of house 1584
arrest with electronic monitoring, with continuous alcohol 1585
monitoring, or with both electronic monitoring and continuous 1586
alcohol monitoring. 1587

As an alternative to a mandatory jail term of ten 1588
consecutive days required by division (G) (1) (b) (i) of this 1589
section, the court, under this division, may sentence the 1590
offender to five consecutive days in jail and not less than 1591
eighteen consecutive days of house arrest with electronic 1592
monitoring, with continuous alcohol monitoring, or with both 1593
electronic monitoring and continuous alcohol monitoring. The 1594
cumulative total of the five consecutive days in jail and the 1595
period of house arrest with electronic monitoring, continuous 1596
alcohol monitoring, or both types of monitoring shall not exceed 1597
six months. The five consecutive days in jail do not have to be 1598
served prior to or consecutively to the period of house arrest. 1599

As an alternative to the mandatory jail term of twenty 1600

consecutive days required by division (G) (1) (b) (ii) of this 1601
section, the court, under this division, may sentence the 1602
offender to ten consecutive days in jail and not less than 1603
thirty-six consecutive days of house arrest with electronic 1604
monitoring, with continuous alcohol monitoring, or with both 1605
electronic monitoring and continuous alcohol monitoring. The 1606
cumulative total of the ten consecutive days in jail and the 1607
period of house arrest with electronic monitoring, continuous 1608
alcohol monitoring, or both types of monitoring shall not exceed 1609
six months. The ten consecutive days in jail do not have to be 1610
served prior to or consecutively to the period of house arrest. 1611

As an alternative to a mandatory jail term of thirty 1612
consecutive days required by division (G) (1) (c) (i) of this 1613
section, the court, under this division, may sentence the 1614
offender to fifteen consecutive days in jail and not less than 1615
fifty-five consecutive days of house arrest with electronic 1616
monitoring, with continuous alcohol monitoring, or with both 1617
electronic monitoring and continuous alcohol monitoring. The 1618
cumulative total of the fifteen consecutive days in jail and the 1619
period of house arrest with electronic monitoring, continuous 1620
alcohol monitoring, or both types of monitoring shall not exceed 1621
one year. The fifteen consecutive days in jail do not have to be 1622
served prior to or consecutively to the period of house arrest. 1623

As an alternative to the mandatory jail term of sixty 1624
consecutive days required by division (G) (1) (c) (ii) of this 1625
section, the court, under this division, may sentence the 1626
offender to thirty consecutive days in jail and not less than 1627
one hundred ten consecutive days of house arrest with electronic 1628
monitoring, with continuous alcohol monitoring, or with both 1629
electronic monitoring and continuous alcohol monitoring. The 1630
cumulative total of the thirty consecutive days in jail and the 1631

period of house arrest with electronic monitoring, continuous 1632
alcohol monitoring, or both types of monitoring shall not exceed 1633
one year. The thirty consecutive days in jail do not have to be 1634
served prior to or consecutively to the period of house arrest. 1635

(4) If an offender's driver's or occupational driver's 1636
license or permit or nonresident operating privilege is 1637
suspended under division (G) of this section and if section 1638
4510.13 of the Revised Code permits the court to grant limited 1639
driving privileges, the court may grant the limited driving 1640
privileges in accordance with that section. If division (A) (7) 1641
of that section requires that the court impose as a condition of 1642
the privileges that the offender must display on the vehicle 1643
that is driven subject to the privileges restricted license 1644
plates that are issued under section 4503.231 of the Revised 1645
Code, except as provided in division (B) of that section, the 1646
court shall impose that condition as one of the conditions of 1647
the limited driving privileges granted to the offender, except 1648
as provided in division (B) of section 4503.231 of the Revised 1649
Code. 1650

(5) Fines imposed under this section for a violation of 1651
division (A) of this section shall be distributed as follows: 1652

(a) Twenty-five dollars of the fine imposed under division 1653
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 1654
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 1655
fine imposed under division (G) (1) (c) (iii), and two hundred ten 1656
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 1657
(iii) of this section shall be paid to an enforcement and 1658
education fund established by the legislative authority of the 1659
law enforcement agency in this state that primarily was 1660
responsible for the arrest of the offender, as determined by the 1661

court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

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

(c) Twenty-five dollars of the fine imposed under division (G) (1) (a) (iii) and fifty dollars of the fine imposed under division (G) (1) (b) (iii) of this section shall be deposited into the county or municipal indigent drivers' alcohol treatment fund under the control of that court, as created by the county or municipal corporation under division (H) of section 4511.191 of

the Revised Code. 1693

(d) One hundred fifteen dollars of the fine imposed under 1694
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 1695
the fine imposed under division (G) (1) (c) (iii), and four hundred 1696
forty dollars of the fine imposed under division (G) (1) (d) (iii) 1697
or (e) (iii) of this section shall be paid to the political 1698
subdivision that pays the cost of housing the offender during 1699
the offender's term of incarceration. The political subdivision 1700
shall use this share to pay or reimburse incarceration or 1701
treatment costs it incurs in housing or providing drug and 1702
alcohol treatment to persons who violate this section or a 1703
municipal OVI ordinance, costs for any immobilizing or disabling 1704
device used on the offender's vehicle, and costs of electronic 1705
house arrest equipment needed for persons who violate this 1706
section. 1707

(e) One hundred twenty-five dollars of the fine imposed 1708
under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), 1709
(G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be 1710
deposited into the special projects fund of the court in which 1711
the offender was convicted and that is established under 1712
division (E) (1) of section 2303.201, division (B) (1) of section 1713
1901.26, or division (B) (1) of section 1907.24 of the Revised 1714
Code, to be used exclusively to cover the cost of immobilizing 1715
or disabling devices, including certified ignition interlock 1716
devices, and remote alcohol monitoring devices for indigent 1717
offenders who are required by a judge to use either of these 1718
devices. If the court in which the offender was convicted does 1719
not have a special projects fund that is established under 1720
division (E) (1) of section 2303.201, division (B) (1) of section 1721
1901.26, or division (B) (1) of section 1907.24 of the Revised 1722
Code, the one hundred twenty-five dollars shall be deposited 1723

into the indigent drivers interlock and alcohol monitoring fund 1724
under division (I) of section 4511.191 of the Revised Code. 1725

(f) Seventy-five dollars of the fine imposed under 1726
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 1727
fine imposed under division (G) (1) (b) (iii), two hundred fifty 1728
dollars of the fine imposed under division (G) (1) (c) (iii), and 1729
five hundred dollars of the fine imposed under division (G) (1) 1730
(d) (iii) or (e) (iii) of this section shall be transmitted to the 1731
treasurer of state for deposit into the indigent defense support 1732
fund established under section 120.08 of the Revised Code. 1733

(g) One hundred fifteen dollars shall be credited to the 1734
statewide treatment and prevention fund created by section 1735
4301.30 of the Revised Code. Money credited to the fund under 1736
this section shall be used for purposes identified under section 1737
5119.22 of the Revised Code. 1738

(h) The balance of the fine imposed under division (G) (1) 1739
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 1740
section shall be disbursed as otherwise provided by law. 1741

(6) If title to a motor vehicle that is subject to an 1742
order of criminal forfeiture under division (G) (1) (c), (d), or 1743
(e) of this section is assigned or transferred and division (B) 1744
(2) or (3) of section 4503.234 of the Revised Code applies, in 1745
addition to or independent of any other penalty established by 1746
law, the court may fine the offender the value of the vehicle as 1747
determined by publications of the national automobile dealers 1748
association. The proceeds of any fine so imposed shall be 1749
distributed in accordance with division (C) (2) of that section. 1750

(7) In all cases in which an offender is sentenced under 1751
division (G) of this section, the offender shall provide the 1752

court with proof of financial responsibility as defined in 1753
section 4509.01 of the Revised Code. If the offender fails to 1754
provide that proof of financial responsibility, the court, in 1755
addition to any other penalties provided by law, may order 1756
restitution pursuant to section 2929.18 or 2929.28 of the 1757
Revised Code in an amount not exceeding five thousand dollars 1758
for any economic loss arising from an accident or collision that 1759
was the direct and proximate result of the offender's operation 1760
of the vehicle before, during, or after committing the offense 1761
for which the offender is sentenced under division (G) of this 1762
section. 1763

(8) A court may order an offender to reimburse a law 1764
enforcement agency for any costs incurred by the agency with 1765
respect to a chemical test or tests administered to the offender 1766
if all of the following apply: 1767

(a) The offender is convicted of or pleads guilty to a 1768
violation of division (A) of this section. 1769

(b) The test or tests were of the offender's whole blood, 1770
blood serum or plasma, oral fluid, or urine. 1771

(c) The test or tests indicated that the offender had one 1772
of the following at the time of the offense: 1773

(i) A prohibited concentration of a controlled substance 1774
or a metabolite of a controlled substance in the offender's 1775
whole blood, blood serum or plasma, or urine; 1776

(ii) A drug of abuse or a metabolite of a drug of abuse in 1777
the offender's oral fluid. 1778

(9) A court may warn any person who is convicted of or who 1779
pleads guilty to a violation of division (A) of this section or 1780
an equivalent offense that a subsequent violation of this 1781

section or an equivalent offense that results in the death of 1782
another or the unlawful termination of another's pregnancy may 1783
result in the person being guilty of aggravated vehicular 1784
homicide under section 2903.06 of the Revised Code. The court 1785
may warn the person of the applicable penalties for that 1786
violation under sections 2903.06 and 2929.142 of the Revised 1787
Code. 1788

(10) As used in division (G) of this section, "electronic 1789
monitoring," "mandatory prison term," and "mandatory term of 1790
local incarceration" have the same meanings as in section 1791
2929.01 of the Revised Code. 1792

(H) Whoever violates division (B) of this section is 1793
guilty of operating a vehicle after underage alcohol consumption 1794
and shall be punished as follows: 1795

(1) Except as otherwise provided in division (H) (2) of 1796
this section, the offender is guilty of a misdemeanor of the 1797
fourth degree. In addition to any other sanction imposed for the 1798
offense, the court shall impose a class six suspension of the 1799
offender's driver's license, commercial driver's license, 1800
temporary instruction permit, probationary license, or 1801
nonresident operating privilege from the range specified in 1802
division (A) (6) of section 4510.02 of the Revised Code. The 1803
court may grant limited driving privileges relative to the 1804
suspension under sections 4510.021 and 4510.13 of the Revised 1805
Code. The court may grant unlimited driving privileges with an 1806
ignition interlock device relative to the suspension and may 1807
reduce the period of suspension as authorized under section 1808
4510.022 of the Revised Code. If the court grants unlimited 1809
driving privileges under section 4510.022 of the Revised Code, 1810
the court shall suspend any jail term imposed under division (H) 1811

(1) of this section as required under that section. 1812

(2) If, within one year of the offense, the offender 1813
previously has been convicted of or pleaded guilty to one or 1814
more violations of division (A) of this section or other 1815
equivalent offenses, the offender is guilty of a misdemeanor of 1816
the third degree. In addition to any other sanction imposed for 1817
the offense, the court shall impose a class four suspension of 1818
the offender's driver's license, commercial driver's license, 1819
temporary instruction permit, probationary license, or 1820
nonresident operating privilege from the range specified in 1821
division (A) (4) of section 4510.02 of the Revised Code. The 1822
court may grant limited driving privileges relative to the 1823
suspension under sections 4510.021 and 4510.13 of the Revised 1824
Code. 1825

(3) The offender shall provide the court with proof of 1826
financial responsibility as defined in section 4509.01 of the 1827
Revised Code. If the offender fails to provide that proof of 1828
financial responsibility, then, in addition to any other 1829
penalties provided by law, the court may order restitution 1830
pursuant to section 2929.28 of the Revised Code in an amount not 1831
exceeding five thousand dollars for any economic loss arising 1832
from an accident or collision that was the direct and proximate 1833
result of the offender's operation of the vehicle before, 1834
during, or after committing the violation of division (B) of 1835
this section. 1836

(I) (1) No court shall sentence an offender to an alcohol 1837
treatment program under this section unless the treatment 1838
program complies with the minimum standards for alcohol 1839
treatment programs adopted under Chapter 5119. of the Revised 1840
Code by the director of mental health and addiction services. 1841

(2) An offender who stays in a drivers' intervention 1842
program or in an alcohol treatment program under an order issued 1843
under this section shall pay the cost of the stay in the 1844
program. However, if the court determines that an offender who 1845
stays in an alcohol treatment program under an order issued 1846
under this section is unable to pay the cost of the stay in the 1847
program, the court may order that the cost be paid from the 1848
court's indigent drivers' alcohol treatment fund. 1849

(J) If a person whose driver's or commercial driver's 1850
license or permit or nonresident operating privilege is 1851
suspended under this section files an appeal regarding any 1852
aspect of the person's trial or sentence, the appeal itself does 1853
not stay the operation of the suspension. 1854

(K) Division (A) (1) (j) of this section does not apply to a 1855
person who operates a vehicle, streetcar, or trackless trolley 1856
while the person has a concentration of a listed controlled 1857
substance or a listed metabolite of a controlled substance in 1858
the person's whole blood, blood serum or plasma, or urine that 1859
equals or exceeds the amount specified in that division, if both 1860
of the following apply: 1861

(1) The person obtained the controlled substance pursuant 1862
to a prescription issued by a licensed health professional 1863
authorized to prescribe drugs. 1864

(2) The person injected, ingested, or inhaled the 1865
controlled substance in accordance with the health 1866
professional's directions. 1867

(L) The prohibited concentrations of a controlled 1868
substance or a metabolite of a controlled substance listed in 1869
division (A) (1) (j) of this section also apply in a prosecution 1870

of a violation of division ~~(D)~~ (C) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol.

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

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

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

Section 2. That existing sections 1547.69, 2923.128, 2923.16, 2953.35, and 4511.19 of the Revised Code are hereby repealed.

Section 3. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections

as presented in this act:	1900
Section 2923.128 of the Revised Code as a composite of the	1901
section as amended by H.B. 281, S.B. 215, and S.B. 288 all of	1902
the 134th General Assembly.	1903
Section 4511.19 of the Revised Code as a composite of the	1904
section as amended by both H.B. 37 and S.B. 100 of the 135th	1905
General Assembly.	1906