

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 655

Representative Galonski

A BILL

To amend sections 1.58, 109.572, 109.60, 128.04, 1
177.01, 1547.11, 1901.186, 2151.414, 2152.021, 2
2152.18, 2743.60, 2919.22, 2923.01, 2923.241, 3
2923.31, 2923.41, 2925.01, 2925.02, 2925.04, 4
2925.041, 2925.05, 2925.06, 2925.061, 2925.07, 5
2925.08, 2925.09, 2925.13, 2925.14, 2925.22, 6
2925.23, 2925.31, 2925.32, 2925.33, 2925.36, 7
2925.37, 2925.38, 2925.42, 2925.50, 2925.51, 8
2925.52, 2925.55, 2925.56, 2925.57, 2927.21, 9
2929.01, 2929.13, 2929.14, 2929.141, 2929.15, 10
2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 11
2941.1410, 2945.71, 2951.041, 2967.18, 2967.19, 12
2967.28, 3301.32, 3301.541, 3313.662, 3319.31, 13
3319.39, 3707.57, 3712.09, 3719.01, 3719.013, 14
3719.21, 3719.41, 3719.99, 3721.121, 3734.44, 15
3745.13, 3767.01, 3796.01, 3796.27, 4112.02, 16
4123.54, 4301.61, 4510.01, 4510.17, 4511.19, 17
4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 18
5119.391, 5120.53, 5153.111, 5502.13, and 19
5924.1121; to amend, for the purpose of adopting 20
new section numbers as indicated in parentheses, 21
sections 2925.02 (2925.05), 2925.04 (2925.06), 22
2925.041 (2925.061), 2925.05 (2925.07), and 23
2925.06 (2925.08); to enact new sections 24

2925.02, 2925.03, 2925.04, 2925.041, and 2925.11 25
and sections 2925.021 and 2925.10; to repeal 26
sections 2925.03, 2925.11, 2925.12, 2925.141, 27
and 2925.58 of the Revised Code; and to amend 28
Section 6 of H.B. 523 of the 131st General 29
Assembly, to revise Ohio's Drug Offense Law, and 30
to continue the provisions of this act on and 31
after March 22, 2020, by amending the versions 32
of sections 3719.01 and 3796.01 of the Revised 33
Code that are scheduled to take effect on that 34
date. 35

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

Section 1. That sections 2925.01, 2925.02, 2925.04, 36
2925.041, 2925.05, 2925.06, 2925.061, 2925.07, 2925.08, 2925.09, 37
2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.33, 38
2925.36, 2925.37, 2925.38, 2925.42, 2925.50, 2925.51, 2925.52, 39
2925.55, 2925.56, 2925.57, 2929.01, 2929.14, 2941.1410, and 40
2945.71 be amended; sections 2925.02 (2925.05), 2925.04 41
(2925.06), 2925.041 (2925.061), 2925.05 (2925.07), and 2925.06 42
(2925.08) be amended for the purpose of adopting new section 43
numbers as indicated in parentheses; and new sections 2925.02, 44
2925.03, 2925.04, 2925.041, and 2925.11 and sections 2925.021 45
and 2925.10 of the Revised Code be enacted to read as follows: 46

Sec. 2925.01. As used in this chapter: 47

(A) "Administer," "controlled substance," "controlled 48
substance analog," "dispense," "distribute," "hypodermic," 49
"manufacturer," "official written order," "person," 50

"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 51
"schedule III," "schedule IV," "schedule V," and "wholesaler" 52
have the same meanings as in section 3719.01 of the Revised 53
Code. 54

(B) "Drug dependent person" and "drug of abuse" have the 55
same meanings as in section 3719.011 of the Revised Code. 56

(C) "Drug," "dangerous drug," "licensed health 57
professional authorized to prescribe drugs," and "prescription" 58
have the same meanings as in section 4729.01 of the Revised 59
Code. 60

(D) "Bulk amount" of a controlled substance means any of 61
the following: 62

(1) For any compound, mixture, preparation, or substance 63
included in schedule I, schedule II, or schedule III, with the 64
exception of any controlled substance analog, 65
~~marihuana~~marijuana, cocaine, L.S.D., heroin, any fentanyl- 66
related compound, and hashish and except as provided in division 67
(D) (2) 7 or (5) ~~7~~ or ~~(6)~~ of this section, whichever of the 68
following is applicable: 69

(a) An amount equal to or exceeding ten grams or twenty- 70
five unit doses of a compound, mixture, preparation, or 71
substance that is or contains any amount of a schedule I opiate 72
or opium derivative; 73

(b) An amount equal to or exceeding ten grams of a 74
compound, mixture, preparation, or substance that is or contains 75
any amount of raw or gum opium; 76

(c) An amount equal to or exceeding thirty grams or ten 77
unit doses of a compound, mixture, preparation, or substance 78
that is or contains any amount of a schedule I hallucinogen 79

other than tetrahydrocannabinol or lysergic acid amide, or a
schedule I stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five
times the maximum daily dose in the usual dose range specified
in a standard pharmaceutical reference manual of a compound,
mixture, preparation, or substance that is or contains any
amount of a schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit
doses of a compound, mixture, preparation, or substance that is
or contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty
grams or thirty times the maximum daily dose in the usual dose
range specified in a standard pharmaceutical reference manual of
a compound, mixture, preparation, or substance that is or
contains any amount of a schedule II stimulant that is in a
final dosage form manufactured by a person authorized by the
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21
U.S.C.A. 301, as amended, and the federal drug abuse control
laws, as defined in section 3719.01 of the Revised Code, that is
or contains any amount of a schedule II depressant substance or
a schedule II hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a
compound, mixture, preparation, or substance that is or contains
any amount of a schedule II stimulant, or any of its salts or
isomers, that is not in a final dosage form manufactured by a
person authorized by the Federal Food, Drug, and Cosmetic Act
and the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty
grams or thirty times the maximum daily dose in the usual dose

range specified in a standard pharmaceutical reference manual of 109
a compound, mixture, preparation, or substance that is or 110
contains any amount of a schedule III or IV substance other than 111
an anabolic steroid or a schedule III opiate or opium 112
derivative; 113

(3) An amount equal to or exceeding twenty grams or five 114
times the maximum daily dose in the usual dose range specified 115
in a standard pharmaceutical reference manual of a compound, 116
mixture, preparation, or substance that is or contains any 117
amount of a schedule III opiate or opium derivative; 118

(4) An amount equal to or exceeding two hundred fifty 119
milliliters or two hundred fifty grams of a compound, mixture, 120
preparation, or substance that is or contains any amount of a 121
schedule V substance; 122

(5) An amount equal to or exceeding two hundred solid 123
dosage units, sixteen grams, or sixteen milliliters of a 124
compound, mixture, preparation, or substance that is or contains 125
any amount of a schedule III anabolic steroid; 126

~~(6) For any compound, mixture, preparation, or substance 127
that is a combination of a fentanyl-related compound and any 128
other compound, mixture, preparation, or substance included in 129
schedule III, schedule IV, or schedule V, if the defendant is 130
charged with a violation of section 2925.11 of the Revised Code 131
and the sentencing provisions set forth in divisions (C)(10)(b) 132
and (C)(11) of that section will not apply regarding the 133
defendant and the violation, the bulk amount of the controlled 134
substance for purposes of the violation is the amount specified 135
in division (D)(1), (2), (3), (4), or (5) of this section for 136
the other schedule III, IV, or V controlled substance that is 137
combined with the fentanyl-related compound. 138~~

(E) "Unit dose" means an amount or unit of a compound, 139
mixture, or preparation containing a controlled substance that 140
is separately identifiable and in a form that indicates that it 141
is the amount or unit by which the controlled substance is 142
separately administered to or taken by an individual. 143

(F) "Cultivate" includes planting, watering, fertilizing, 144
or tilling. 145

(G) "Drug abuse offense" means any of the following: 146

(1) A violation of division (A) of section 2913.02 that 147
constitutes theft of drugs, or a violation of section 2925.02, 148
2925.021, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, ~~2925.11,~~ 149
~~2925.12,~~ 2925.061, 2925.07, 2925.08, 2925.13, 2925.14, 2925.22, 150
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the 151
Revised Code; 152

(2) A violation of an existing or former law of this or 153
any other state or of the United States that is substantially 154
equivalent to any section listed in division (G)(1) of this 155
section; 156

(3) An offense under an existing or former law of this or 157
any other state, or of the United States, of which planting, 158
cultivating, harvesting, processing, making, manufacturing, 159
producing, shipping, transporting, delivering, acquiring, 160
possessing, storing, distributing, dispensing, selling, inducing 161
another to use, administering to another, using, or otherwise 162
dealing with a controlled substance is an element; 163

(4) A conspiracy to commit, attempt to commit, or 164
complicity in committing or attempting to commit any offense 165
under division (G)(1), (2), or (3) of this section. 166

(H) "Felony drug abuse offense" means any drug abuse 167

offense that would constitute a felony under the laws of this	168
state, any other state, or the United States.	169
(I) "Harmful intoxicant" does not include beer or	170
intoxicating liquor but means any of the following:	171
(1) Any compound, mixture, preparation, or substance the	172
gas, fumes, or vapor of which when inhaled can induce	173
intoxication, excitement, giddiness, irrational behavior,	174
depression, stupefaction, paralysis, unconsciousness,	175
asphyxiation, or other harmful physiological effects, and	176
includes, but is not limited to, any of the following:	177
(a) Any volatile organic solvent, plastic cement, model	178
cement, fingernail polish remover, lacquer thinner, cleaning	179
fluid, gasoline, or other preparation containing a volatile	180
organic solvent;	181
(b) Any aerosol propellant;	182
(c) Any fluorocarbon refrigerant;	183
(d) Any anesthetic gas.	184
(2) Gamma Butyrolactone;	185
(3) 1,4 Butanediol.	186
(J) "Manufacture" means to plant, cultivate, harvest,	187
process, make, prepare, or otherwise engage in any part of the	188
production of a drug, by propagation, extraction, chemical	189
synthesis, or compounding, or any combination of the same, and	190
includes packaging, repackaging, labeling, and other activities	191
incident to production.	192
(K) "Possess" or "possession" means having control over a	193
thing or substance, but may not be inferred solely from mere	194

access to the thing or substance through ownership or occupation	195
of the premises upon which the thing or substance is found.	196
(L) "Sample drug" means a drug or pharmaceutical	197
preparation that would be hazardous to health or safety if used	198
without the supervision of a licensed health professional	199
authorized to prescribe drugs, or a drug of abuse, and that, at	200
one time, had been placed in a container plainly marked as a	201
sample by a manufacturer.	202
(M) "Standard pharmaceutical reference manual" means the	203
current edition, with cumulative changes if any, of references	204
that are approved by the state board of pharmacy.	205
(N) "Juvenile" means a person under eighteen years of age.	206
(O) "Counterfeit controlled substance" means any of the	207
following:	208
(1) Any drug that bears, or whose container or label	209
bears, a trademark, trade name, or other identifying mark used	210
without authorization of the owner of rights to that trademark,	211
trade name, or identifying mark;	212
(2) Any unmarked or unlabeled substance that is	213
represented to be a controlled substance manufactured,	214
processed, packed, or distributed by a person other than the	215
person that manufactured, processed, packed, or distributed it;	216
(3) Any substance that is represented to be a controlled	217
substance but is not a controlled substance or is a different	218
controlled substance;	219
(4) Any substance other than a controlled substance that a	220
reasonable person would believe to be a controlled substance	221
because of its similarity in shape, size, and color, or its	222

markings, labeling, packaging, distribution, or the price for 223
which it is sold or offered for sale. 224

(P) An offense is "committed in the vicinity of a school" 225
if the offender commits the offense on school premises, in a 226
school building, or within one thousand feet of the boundaries 227
of any school premises, regardless of whether the offender knows 228
the offense is being committed on school premises, in a school 229
building, or within one thousand feet of the boundaries of any 230
school premises. 231

(Q) "School" means any school operated by a board of 232
education, any community school established under Chapter 3314. 233
of the Revised Code, or any nonpublic school for which the state 234
board of education prescribes minimum standards under section 235
3301.07 of the Revised Code, whether or not any instruction, 236
extracurricular activities, or training provided by the school 237
is being conducted at the time a criminal offense is committed. 238

(R) "School premises" means either of the following: 239

(1) The parcel of real property on which any school is 240
situated, whether or not any instruction, extracurricular 241
activities, or training provided by the school is being 242
conducted on the premises at the time a criminal offense is 243
committed; 244

(2) Any other parcel of real property that is owned or 245
leased by a board of education of a school, the governing 246
authority of a community school established under Chapter 3314. 247
of the Revised Code, or the governing body of a nonpublic school 248
for which the state board of education prescribes minimum 249
standards under section 3301.07 of the Revised Code and on which 250
some of the instruction, extracurricular activities, or training 251

of the school is conducted, whether or not any instruction, 252
extracurricular activities, or training provided by the school 253
is being conducted on the parcel of real property at the time a 254
criminal offense is committed. 255

(S) "School building" means any building in which any of 256
the instruction, extracurricular activities, or training 257
provided by a school is conducted, whether or not any 258
instruction, extracurricular activities, or training provided by 259
the school is being conducted in the school building at the time 260
a criminal offense is committed. 261

(T) "Disciplinary counsel" means the disciplinary counsel 262
appointed by the board of commissioners on grievances and 263
discipline of the supreme court under the Rules for the 264
Government of the Bar of Ohio. 265

(U) "Certified grievance committee" means a duly 266
constituted and organized committee of the Ohio state bar 267
association or of one or more local bar associations of the 268
state of Ohio that complies with the criteria set forth in Rule 269
V, section 6 of the Rules for the Government of the Bar of Ohio. 270

(V) "Professional license" means any license, permit, 271
certificate, registration, qualification, admission, temporary 272
license, temporary permit, temporary certificate, or temporary 273
registration that is described in divisions (W) (1) to (37) of 274
this section and that qualifies a person as a professionally 275
licensed person. 276

(W) "Professionally licensed person" means any of the 277
following: 278

(1) A person who has received a certificate or temporary 279
certificate as a certified public accountant or who has 280

registered as a public accountant under Chapter 4701. of the	281
Revised Code and who holds an Ohio permit issued under that	282
chapter;	283
(2) A person who holds a certificate of qualification to	284
practice architecture issued or renewed and registered under	285
Chapter 4703. of the Revised Code;	286
(3) A person who is registered as a landscape architect	287
under Chapter 4703. of the Revised Code or who holds a permit as	288
a landscape architect issued under that chapter;	289
(4) A person licensed under Chapter 4707. of the Revised	290
Code;	291
(5) A person who has been issued a certificate of	292
registration as a registered barber under Chapter 4709. of the	293
Revised Code;	294
(6) A person licensed and regulated to engage in the	295
business of a debt pooling company by a legislative authority,	296
under authority of Chapter 4710. of the Revised Code;	297
(7) A person who has been issued a cosmetologist's	298
license, hair designer's license, manicurist's license,	299
esthetician's license, natural hair stylist's license, advanced	300
cosmetologist's license, advanced hair designer's license,	301
advanced manicurist's license, advanced esthetician's license,	302
advanced natural hair stylist's license, cosmetology	303
instructor's license, hair design instructor's license,	304
manicurist instructor's license, esthetics instructor's license,	305
natural hair style instructor's license, independent	306
contractor's license, or tanning facility permit under Chapter	307
4713. of the Revised Code;	308
(8) A person who has been issued a license to practice	309

dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code;	310 311 312 313
(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code;	314 315 316 317 318
(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code;	319 320 321 322
(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	323 324 325
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	326 327
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	328 329
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	330 331 332 333
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	334 335 336 337 338

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	339 340
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	341 342 343 344 345
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	346 347
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	348 349 350
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	351 352
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	353 354
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	355 356
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	357 358
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	359 360
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	361 362
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under	363 364 365

Chapter 4741. of the Revised Code;	366
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	367 368 369
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	370 371 372
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	373 374 375
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	376 377 378
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	379 380 381
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	382 383 384 385 386 387
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	388 389
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	390 391 392
(35) A person who has been issued a real estate appraiser	393

certificate under Chapter 4763. of the Revised Code;	394
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	395 396
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	397 398 399
(X) "Cocaine" means any of the following:	400
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	401 402
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	403 404 405 406
(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.	407 408 409 410 411 412
(Y) "L.S.D." means lysergic acid diethylamide.	413
(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana <u>marijuana</u> , whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.	414 415 416 417
(AA) "Marihuana" <u>"Marijuana"</u> has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.	418 419 420

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means ~~either~~ any of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it ~~exists~~ existed on and after July 1, 1996, and prior to the effective date of this section that is a misdemeanor or a felony of the fifth degree;

(3) A violation of section 2925.04 or 2925.041 of the Revised Code, as those sections exist on and after the effective date of this amendment, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.	450 451
(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.	452 453 454
(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.	455 456 457 458 459
(JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.	460 461
(KK) "Fentanyl-related compound" means any of the following:	462 463
(1) Fentanyl;	464
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	465 466 467
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);	468 469
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N-phenylpropanamide);	470 471
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	472 473 474
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	475 476

- (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide); 477
478
- (8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide); 479
480
- (9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide); 481
482
- (10) Alfentanil; 483
- (11) Carfentanil; 484
- (12) Remifentanil; 485
- (13) Sufentanil; 486
- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 487
488
- (15) Any compound that meets all of the following fentanyl 489
pharmacophore requirements to bind at the mu receptor, as 490
identified by a report from an established forensic laboratory, 491
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 492
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 493
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 494
fluorofentanyl: 495
- (a) A chemical scaffold consisting of both of the 496
following: 497
- (i) A five, six, or seven member ring structure containing 498
a nitrogen, whether or not further substituted; 499
- (ii) An attached nitrogen to the ring, whether or not that 500
nitrogen is enclosed in a ring structure, including an attached 501
aromatic ring or other lipophilic group to that nitrogen. 502
- (b) A polar functional group attached to the chemical 503

scaffold, including but not limited to a hydroxyl, ketone, 504
amide, or ester; 505

(c) An alkyl or aryl substitution off the ring nitrogen of 506
the chemical scaffold; and 507

(d) The compound has not been approved for medical use by 508
the United States food and drug administration. 509

(LL) "First degree felony mandatory prison term" means one 510
of the definite prison terms prescribed in division (A) (1) (b) of 511
section 2929.14 of the Revised Code for a felony of the first 512
degree, except that if the violation for which sentence is being 513
imposed is committed on or after the effective date of this 514
amendment, it means one of the minimum prison terms prescribed 515
in division (A) (1) (a) of that section for a felony of the first 516
degree. 517

(MM) "Second degree felony mandatory prison term" means 518
one of the definite prison terms prescribed in division (A) (2) 519
(b) of section 2929.14 of the Revised Code for a felony of the 520
second degree, except that if the violation for which sentence 521
is being imposed is committed on or after the effective date of 522
this amendment, it means one of the minimum prison terms 523
prescribed in division (A) (2) (a) of that section for a felony of 524
the second degree. 525

(NN) "Maximum first degree felony mandatory prison term" 526
means the maximum definite prison term prescribed in division 527
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 528
the first degree, except that if the violation for which 529
sentence is being imposed is committed on or after the effective 530
date of this amendment, it means the longest minimum prison term 531
prescribed in division (A) (1) (a) of that section for a felony of 532

the first degree. 533

(00) "Maximum second degree felony mandatory prison term" 534
means the maximum definite prison term prescribed in division 535
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 536
the second degree, except that if the violation for which 537
sentence is being imposed is committed on or after the effective 538
date of this amendment, it means the longest minimum prison term 539
prescribed in division (A) (2) (a) of that section for a felony of 540
the second degree. 541

Sec. 2925.02. (A) (1) (a) Except as otherwise provided in 542
division (B) of this section, no person shall knowingly obtain, 543
possess, sell, or offer to sell a controlled substance or 544
controlled substance analog in an amount listed in division (A) 545
(2) of this section. 546

(b) Except as otherwise provided in division (B) of this 547
section, no person shall prepare for shipment, ship, transport, 548
deliver, prepare for distribution, or distribute a controlled 549
substance or controlled substance analog in an amount listed in 550
division (A) (2) of this section when the person knows or has 551
reasonable cause to believe that the controlled substance or 552
controlled substance analog is intended for sale or resale. 553

(2) Division (A) (1) of this section applies to conduct 554
involving any of the following: 555

(a) Fifty times the bulk amount or more of any controlled 556
substance included in schedule I or schedule II, other than 557
marijuana, cocaine, L.S.D., heroin, a fentanyl-related compound, 558
hashish, or a controlled substance analog; 559

(b) Fifty grams or more of cocaine; 560

(c) An amount of L.S.D. equal to or exceeding five hundred 561

unit doses or more in solid form or fifty grams in liquid 562
concentrate, liquid extract, or liquid distillate form; 563

(d) An amount of heroin equal to or exceeding three 564
hundred unit doses or thirty grams; 565

(e) An amount of a fentanyl-related compound equal to or 566
exceeding one hundred unit doses or ten grams; 567

(f) Forty thousand grams or more of marijuana, other than 568
hashish; 569

(g) Two thousand grams or more of hashish; 570

(h) Thirty grams or more of a controlled substance analog. 571

(B) This section does not apply to any of the following: 572

(1) Manufacturers, licensed health professionals 573
authorized to prescribe drugs, pharmacists, owners of 574
pharmacies, and other persons whose conduct is in accordance 575
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 576
4741. of the Revised Code; 577

(2) If the offense involves an anabolic steroid, any 578
person who is conducting or participating in a research project 579
involving the use of an anabolic steroid if the project has been 580
approved by the United States food and drug administration; 581

(3) Any person who sells, offers for sale, prescribes, 582
dispenses, or administers for livestock or other nonhuman 583
species an anabolic steroid that is expressly intended for 584
administration through implants to livestock or other nonhuman 585
species and approved for that purpose under the "Federal Food, 586
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, 587
and is sold, offered for sale, prescribed, dispensed, or 588
administered for that purpose in accordance with that act; 589

(4) Any person who obtained the controlled substance under 590
a lawful prescription issued by a licensed health professional 591
authorized to prescribe drugs. 592

(C) Whoever violates division (A)(1) of this section based 593
on an amount specified in division (A)(2)(a) of this section is 594
guilty of aggravated trafficking in drugs. The penalty for the 595
offense shall be determined as follows: 596

(1) If the amount of the drug involved equals or exceeds 597
fifty times the bulk amount but is less than one hundred times 598
the bulk amount, aggravated trafficking in drugs is a felony of 599
the second degree, and the court shall impose as a mandatory 600
prison term a second degree felony mandatory prison term. 601

(2) If the amount of the drug involved equals or exceeds 602
one hundred times the bulk amount, aggravated trafficking in 603
drugs is a felony of the first degree and the court shall impose 604
as a mandatory prison term a first degree felony mandatory 605
prison term. 606

(D) Whoever violates division (A)(1) of this section based 607
on an amount specified in division (A)(2)(b) of this section is 608
guilty of aggravated trafficking in cocaine. The penalty for the 609
offense shall be determined as follows: 610

(1) If the amount of the drug involved equals or exceeds 611
fifty grams but is less than one hundred grams, aggravated 612
trafficking in cocaine is a felony of the second degree and the 613
court shall impose as a mandatory prison term a second degree 614
felony mandatory prison term. 615

(2) If the amount of the drug involved equals or exceeds 616
one hundred grams but is less than two hundred fifty grams, 617
aggravated trafficking in cocaine is a felony of the first 618

degree and the court shall impose as a mandatory prison term a 619
first degree felony mandatory prison term. 620

(3) If the amount of the drug involved equals or exceeds 621
two hundred fifty grams, aggravated trafficking in cocaine is a 622
felony of the first degree, the offender is a major drug 623
offender, and the court shall impose a mandatory prison term of 624
ten or eleven years. 625

(E) Whoever violates division (A) (1) of this section based 626
on an amount specified in division (A) (2) (c) of this section is 627
guilty of aggravated trafficking in L.S.D. The penalty for the 628
offense shall be determined as follows: 629

(1) If the amount of the drug involved equals or exceeds 630
five hundred unit doses but is less than five thousand unit 631
doses in a solid form or equals or exceeds fifty grams but is 632
less than five hundred grams in a liquid concentrate, liquid 633
extract, or liquid distillate form, aggravated trafficking in 634
L.S.D. is a felony of the second degree and the court shall 635
impose as a mandatory prison term a second degree felony 636
mandatory prison term. 637

(2) If the amount of the drug involved equals or exceeds 638
five thousand unit doses in a solid form or equals or exceeds 639
five hundred grams in a liquid concentrate, liquid extract, or 640
liquid distillate form, aggravated trafficking in L.S.D. is a 641
felony of the first degree, and the court shall impose as a 642
mandatory prison term a first degree felony mandatory prison 643
term. 644

(F) Whoever violates division (A) (1) of this section based 645
on an amount specified in division (A) (2) (d) of this section is 646
guilty of aggravated trafficking in heroin. The penalty for the 647

offense shall be determined as follows: 648

(1) If the amount of the drug involved equals or exceeds 649
three hundred unit doses or thirty grams but is less than five 650
hundred unit doses or fifty grams, aggravated trafficking in 651
heroin is a felony of the second degree and the court shall 652
impose as a mandatory prison term a second degree felony 653
mandatory prison term. 654

(2) If the amount of the drug involved equals or exceeds 655
five hundred unit doses or fifty grams but is less than one 656
thousand unit doses or one hundred grams, aggravated trafficking 657
in heroin is a felony of the first degree and the court shall 658
impose as a mandatory prison term a first degree felony 659
mandatory prison term. 660

(3) If the amount of the drug involved equals or exceeds 661
one thousand unit doses or equals or exceeds one hundred grams, 662
aggravated trafficking in heroin is a felony of the first 663
degree, the offender is a major drug offender, and the court 664
shall impose a mandatory prison term of ten or eleven years. 665

(G) Whoever violates division (A) (1) of this section based 666
on an amount specified in division (A) (2) (e) of this section, 667
subject to division (H) of this section, is guilty of aggravated 668
trafficking in a fentanyl-related compound. The penalty for the 669
offense shall be determined as follows: 670

(1) If the amount of the drug involved equals or exceeds 671
one hundred unit doses or ten grams but is less than two hundred 672
unit doses or twenty grams, aggravated trafficking in a 673
fentanyl-related compound is a felony of the second degree and 674
the court shall impose as a mandatory prison term a second 675
degree felony mandatory prison term. 676

(2) If the amount of the drug involved equals or exceeds 677
two hundred unit doses or twenty grams but is less than five 678
hundred unit doses or fifty grams, aggravated trafficking in a 679
fentanyl-related compound is a felony of the first degree and 680
the court shall impose as a mandatory prison term a first degree 681
felony mandatory prison term. 682

(3) If the amount of the drug involved equals or exceeds 683
five hundred unit doses or fifty grams but is less than one 684
thousand unit doses or one hundred grams, aggravated trafficking 685
in a fentanyl-related compound is a felony of the first degree 686
and the court shall impose a mandatory prison term of ten or 687
eleven years. 688

(4) If the amount of the drug involved equals or exceeds 689
one thousand unit doses or equals or exceeds one hundred grams, 690
aggravated trafficking in a fentanyl-related compound is a 691
felony of the first degree, the offender is a major drug 692
offender, and the court shall impose a mandatory prison term of 693
ten or eleven years. 694

(H) If the drug involved in the violation of division (A) 695
(1) of this section is a compound, mixture, preparation, or 696
substance that is a combination of a fentanyl-related compound 697
and marijuana, one of the following applies: 698

(1) Except as otherwise provided in division (H)(2) of 699
this section, the offender is guilty of possession of marijuana, 700
petty trafficking in marijuana, or aggravated trafficking in 701
marijuana and shall be punished under division (I) of this 702
section, or under division (B)(8) of section 2925.03 or division 703
(C) of section 2925.041 of the Revised Code, as appropriate by 704
the amount involved. The offender is not guilty of aggravated 705
trafficking in a fentanyl-related compound and shall not be 706

charged with, convicted of, or punished under division (G) of 707
this section for aggravated trafficking in a fentanyl-related 708
compound. 709

(2) If the offender knows or has reason to know that the 710
compound, mixture, preparation, or substance that is the drug 711
involved contains a fentanyl-related compound, the offender is 712
guilty of aggravated trafficking in a fentanyl-related compound 713
and shall be punished under division (G) of this section. 714

(I) Whoever violates division (A)(1) of this section based 715
on an amount specified in division (A)(2)(f) of this section is 716
guilty of aggravated trafficking in marijuana, a felony of the 717
second degree, and the court shall impose as a mandatory prison 718
term a second degree felony mandatory prison term. 719

(J) Whoever violates division (A)(1) of this section based 720
on an amount specified in division (A)(2)(g) of this section is 721
guilty of aggravated trafficking in hashish, a felony of the 722
second degree, and the court shall impose as a mandatory prison 723
term a second degree felony mandatory prison term. 724

(K) Whoever violates division (A)(1) of this section based 725
on an amount specified in division (A)(2)(h) of this section is 726
guilty of aggravated trafficking in a controlled substance 727
analog. The penalty for the offense shall be determined as 728
follows: 729

(1) If the amount of the drug involved equals or exceeds 730
thirty grams but is less than forty grams, aggravated 731
trafficking in a controlled substance analog is a felony of the 732
second degree and the court shall impose as a mandatory prison 733
term a second degree felony mandatory prison term. 734

(2) If the amount of the drug involved equals or exceeds 735

forty grams but is less than fifty grams, trafficking in a 736
controlled substance analog is a felony of the first degree and 737
the court shall impose as a mandatory prison term a first degree 738
felony mandatory prison term. 739

(3) If the amount of the drug involved equals or exceeds 740
fifty grams, aggravated trafficking of a controlled substance 741
analog is a felony of the first degree, the offender is a major 742
drug offender, and the court shall impose a mandatory prison 743
term of ten or eleven years. 744

(L) If the offender is a professionally licensed person, 745
in addition to any other sanction imposed for a violation of 746
this section, the court immediately shall comply with section 747
2925.38 of the Revised Code. 748

Sec. 2925.021. (A) (1) (a) Except as provided in division 749
(B) of this section, no person shall knowingly obtain, possess, 750
sell, or offer to sell a controlled substance or controlled 751
substance analog in an amount listed in division (A) (2) of this 752
section. 753

(b) Except as otherwise provided in division (B) of this 754
section, no person shall prepare for shipment, ship, transport, 755
deliver, prepare for distribution, or distribute a controlled 756
substance or controlled substance analog in an amount listed in 757
division (A) (2) of this section when the person knows or has 758
reasonable cause to believe that the controlled substance or 759
controlled substance analog is intended for sale or resale. 760

(2) Division (A) (1) of this section applies to conduct 761
involving any of the following: 762

(a) Five times or more, but less than fifty times, the 763
bulk amount of any controlled substance included in schedule I 764

or schedule II, with the exception of marijuana, cocaine, 765
L.S.D., heroin, a fentanyl-related compound, hashish, or a 766
controlled substance analog; 767

(b) Fifty times the bulk amount or more of any substance 768
included in schedule III, IV, or V; 769

(c) Twenty-seven grams or more, but less than fifty grams, 770
of cocaine; 771

(d) L.S.D. in an amount equal to or exceeding two hundred 772
unit doses but less than five hundred unit doses in solid form 773
or equal to or exceeding twenty grams but less than fifty grams 774
in liquid concentrate, liquid extract, or liquid distillate 775
form; 776

(e) An amount of heroin equal to or exceeding one hundred 777
unit doses or ten grams, but less than three hundred unit doses 778
or thirty grams; 779

(f) An amount of a fentanyl-related compound equal to or 780
exceeding fifty unit doses or five grams but less than one 781
hundred unit doses or ten grams; 782

(g) Five thousand grams or more, but less than forty 783
thousand grams, of marijuana, other than hashish; 784

(h) Two hundred fifty grams or more, but less than two 785
thousand grams, of hashish; 786

(i) Twenty grams or more, but less than thirty grams, of a 787
controlled substance analog. 788

(B) This section does not apply to any of the following: 789

(1) Manufacturers, licensed health professionals 790
authorized to prescribe drugs, pharmacists, owners of 791

pharmacies, and other persons whose conduct is in accordance 792
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 793
4741. of the Revised Code; 794

(2) If the offense involves an anabolic steroid, any 795
person who is conducting or participating in a research project 796
involving the use of an anabolic steroid if the project has been 797
approved by the United States food and drug administration; 798

(3) Any person who sells, offers for sale, prescribes, 799
dispenses, or administers for livestock or other nonhuman 800
species an anabolic steroid that is expressly intended for 801
administration through implants to livestock or other nonhuman 802
species and approved for that purpose under the "Federal Food, 803
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, 804
and is sold, offered for sale, prescribed, dispensed, or 805
administered for that purpose in accordance with that act. 806

(4) Any person who obtained the controlled substance under 807
a lawful prescription issued by a licensed health professional 808
authorized to prescribe drugs. 809

(C)(1) Except as provided in division (C)(2) of this 810
section, whoever violates this section is guilty of trafficking 811
in drugs, a felony of the third degree. 812

(2) If the drug involved in the violation is a compound, 813
mixture, preparation, or substance that is a combination of a 814
fentanyl-related compound and marijuana, and the offender does 815
not know or have reason to know that the compound, mixture, 816
preparation, or substance that is the drug involved contains a 817
fentanyl-related compound, the offender is guilty of aggravated 818
trafficking in marijuana, petty trafficking in marijuana, or 819
trafficking in drugs as appropriate for the amount of marijuana 820

involved, and shall be punished under division (I) of section 821
2925.02, division (B) (8) of section 2925.03 of the Revised Code, 822
or division (C) (1) of this section, respectively. 823

(D) If the offender is a professionally licensed person, 824
in addition to any other sanction imposed for a violation of 825
this section, the court immediately shall comply with section 826
2925.38 of the Revised Code. 827

Sec. 2925.03. (A) (1) (a) Except as otherwise provided in 828
division (C) of this section, no person shall knowingly sell or 829
offer to sell a controlled substance or controlled substance 830
analog in an amount listed in division (A) (2) of this section. 831

(b) Except as otherwise provided in division (C) of this 832
section, no person shall obtain or possess, with purpose to 833
distribute or sell, a controlled substance or controlled 834
substance analog in an amount listed in division (A) (2) of this 835
section. 836

(c) Except as otherwise provided in division (C) of this 837
section, no person shall prepare for shipment, ship, transport, 838
deliver, prepare for distribution, or distribute a controlled 839
substance or controlled substance analog in an amount listed in 840
division (A) (2) of this section when the person knows or has 841
reasonable cause to believe that the controlled substance or 842
controlled substance analog is intended for sale or resale. 843

(2) Division (A) (1) of this section applies to conduct 844
involving all of the following: 845

(a) Twenty-five one-thousandths of one gram or more, but 846
less than five times the bulk amount, of any controlled 847
substance included in schedule I or II other than marijuana, 848
cocaine, L.S.D., heroin, a fentanyl-related compound, hashish, 849

or a controlled substance analog; 850

(b) Twenty-five one-thousandths of one gram or more, but 851
less than fifty times the bulk amount, of any controlled 852
substance included in schedule III, IV, or V; 853

(c) Twenty-five one-thousandths of one gram or more, but 854
less than twenty seven grams, of cocaine; 855

(d) An amount of L.S.D. equal to or exceeding one-fourth 856
of one unit dose, but less than two hundred unit doses, in solid 857
form, or equal to or exceeding twenty-five one-thousandths of 858
one gram, but less than twenty grams, in liquid concentrate, 859
liquid extract, or liquid distillate form; 860

(e) An amount of heroin equal to or exceeding twenty-five 861
one-thousandths of one gram, or one-fourth of one unit dose, but 862
less than ten grams or one hundred unit doses; 863

(f) An amount of a fentanyl-related compound equal to or 864
exceeding twenty-five one-thousandths of one gram, or one-fourth 865
of one unit dose, but less than five grams or fifty unit doses; 866

(g) Twenty-five one-thousandths of one gram or more, but 867
less than five thousand grams, of marijuana, other than hashish; 868

(h) Twenty-five one-thousandths of one gram or more, but 869
less than two hundred fifty grams, of hashish; 870

(i) Twenty-five one-thousandths of one gram or more, but 871
less than twenty grams, of a controlled substance analog. 872

(B) (1) Whoever violates division (A) (1) of this section 873
based on an amount specified in division (A) (2) (a) of this 874
section is guilty of petty trafficking in schedule I or schedule 875
II drugs. The penalty for the offense shall be determined as 876
follows: 877

(a) If the amount of the drug involved equals or exceeds 878
the bulk amount, but is less than five times the bulk amount, 879
petty trafficking in schedule I or schedule II drugs is a felony 880
of the fourth degree. 881

(b) If the amount of the drug involved equals or exceeds 882
twenty-five one-thousandths of one gram, but is less than the 883
bulk amount, petty trafficking in schedule I or schedule II 884
drugs is a felony of the fifth degree. 885

(2) Whoever violates division (A)(1) of this section based 886
on an amount specified in division (A)(2)(b) of this section is 887
guilty of petty trafficking in drugs. The penalty for the 888
offense shall be determined as follows: 889

(a) If the amount of the drug involved equals or exceeds 890
five times the bulk amount, but is less than fifty times the 891
bulk amount, petty trafficking in drugs is a felony of the 892
fourth degree. 893

(b) If the amount of the drug involved equals or exceeds 894
twenty-five one-thousandths of one gram, but is less than five 895
times the bulk amount, petty trafficking in drugs is a felony of 896
the fifth degree. 897

(3) Whoever violates division (A)(1) of this section based 898
on an amount specified in division (A)(2)(c) of this section is 899
guilty of petty trafficking in cocaine. The penalty for the 900
offense shall be determined as follows: 901

(a) If the amount of the drug involved equals or exceeds 902
ten grams, but is less than twenty-seven grams, petty 903
trafficking in cocaine is a felony of the fourth degree. 904

(b) If the amount of the drug involved equals or exceeds 905
twenty-five one-thousandths of one gram, but is less than ten 906

grams, petty trafficking in cocaine is a felony of the fifth 907
degree. 908

(4) Whoever violates division (A) (1) of this section based 909
on an amount specified in division (A) (2) (d) of this section is 910
guilty of petty trafficking in L.S.D. The penalty for the 911
offense shall be determined as follows: 912

(a) If the amount of the drug involved equals or exceeds 913
fifty unit doses, but is less than two hundred unit doses in 914
solid form, or equals or exceeds five grams, but is less than 915
twenty grams in liquid concentrate, liquid extract, or liquid 916
distillate form, petty trafficking in L.S.D. is a felony of the 917
fourth degree. 918

(b) If the amount of the drug involved equals or exceeds 919
one-fourth of one unit dose, but is less than fifty unit doses 920
in solid form, or equals or exceeds twenty-five one-thousandths 921
of one gram, but is less than five grams in liquid concentrate, 922
liquid extract, or liquid distillate form, petty trafficking in 923
L.S.D. is a felony of the fifth degree. 924

(5) Whoever violates division (A) (1) of this section based 925
on an amount specified in division (A) (2) (e) of this section is 926
guilty of petty trafficking in heroin. The penalty for the 927
offense shall be determined as follows: 928

(a) If the amount of the drug involved equals or exceeds 929
one gram or ten unit doses, but is less than ten grams or one 930
hundred unit doses, petty trafficking in heroin is a felony of 931
the fourth degree. 932

(b) If the amount of the drug involved equals or exceeds 933
twenty-five one-thousandths of one gram or one-fourth of one 934
unit dose, but is less than one gram or ten unit doses, petty 935

trafficking in heroin is a felony of the fifth degree. 936

(6) Whoever violates division (A) (1) of this section based 937
on an amount specified in division (A) (2) (f) of this section, 938
subject to division (B) (7) of this section, is guilty of petty 939
trafficking in a fentanyl-related compound. The penalty for the 940
offense shall be determined as follows: 941

(a) If the amount of the drug involved equals or exceeds 942
one gram or ten unit doses, but is less than five grams or fifty 943
unit doses, petty trafficking in a fentanyl-related compound is 944
a felony of the fourth degree. 945

(b) If the amount of the drug involved equals or exceeds 946
twenty-five one-thousandths of one gram or one-fourth of one 947
unit dose, but is less than one gram or ten unit doses, petty 948
trafficking in a fentanyl-related compound is a felony of the 949
fifth degree. 950

(7) If the drug involved in the violation of division (A) 951
(1) of this section is a compound, mixture, preparation, or 952
substance that is a combination of a fentanyl-related compound 953
and marijuana, one of the following applies: 954

(a) Except as otherwise provided in division (B) (7) (b) of 955
this section, the offender is guilty of petty trafficking in 956
marijuana and shall be punished under division (B) (8) of this 957
section. The offender is not guilty of petty trafficking in a 958
fentanyl-related compound and shall not be charged with, 959
convicted of, or punished under division (B) (6) of this section 960
for petty trafficking in a fentanyl-related compound. 961

(b) If the offender knows or has reason to know that the 962
compound, mixture, preparation, or substance that is the drug 963
involved contains a fentanyl-related compound, the offender is 964

guilty of petty trafficking in a fentanyl-related compound and 965
shall be punished under division (B) (6) of this section. 966

(8) Whoever violates division (A) (1) of this section based 967
on an amount specified in division (A) (2) (g) of this section is 968
guilty of petty trafficking in marijuana. The penalty for the 969
offense shall be determined as follows: 970

(a) If the amount of the drug involved equals or exceeds 971
one thousand grams, but is less than five thousand grams, petty 972
trafficking in marijuana is a felony of the fourth degree. 973

(b) If the amount of the drug involved equals or exceeds 974
twenty-five one-thousandths of one gram, but is less than one 975
thousand grams, petty trafficking in marijuana is a felony of 976
the fifth degree. 977

(9) Whoever violates division (A) (1) of this section based 978
on an amount specified in division (A) (2) (h) of this section is 979
guilty of petty trafficking in hashish. The penalty for the 980
offense shall be determined as follows: 981

(a) If the amount of the drug involved equals or exceeds 982
fifty grams, but is less than two hundred fifty grams, petty 983
trafficking in hashish is a felony of the fourth degree. 984

(b) If the amount of the drug involved equals or exceeds 985
twenty-five one-thousandths of one gram, but is less than fifty 986
grams, petty trafficking in hashish is a felony of the fifth 987
degree. 988

(10) Whoever violates division (A) (1) of this section 989
based on an amount specified in division (A) (2) (i) of this 990
section is guilty of petty trafficking in a controlled substance 991
analog. The penalty for the offense shall be determined as 992
follows: 993

(a) If the amount of the drug involved equals or exceeds ten grams, but is less than twenty grams, petty trafficking in a controlled substance analog is a felony of the fourth degree. 994
995
996

(b) If the amount of the drug involved equals or exceeds twenty-five one-thousandths of one gram, but is less than ten grams, petty trafficking in a controlled substance analog is a felony of the fifth degree. 997
998
999
1000

(C) This section does not apply to any of the following: 1001

(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1002
1003
1004
1005
1006

(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration; 1007
1008
1009
1010

(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act. 1011
1012
1013
1014
1015
1016
1017
1018

(D) Notwithstanding division (B) of this section, a person who violates division (A) (1) of this section by gifting twenty grams or less of marijuana to another person shall be guilty only of a minor misdemeanor. 1019
1020
1021
1022

(E) If the offender is a professionally licensed person, 1023
in addition to any other sanction imposed for a violation of 1024
this section, the court shall immediately comply with section 1025
2925.38 of the Revised Code. 1026

Sec. 2925.04. (A) (1) Except as provided in division (B) of 1027
this section, no person shall knowingly obtain, possess, or use 1028
a controlled substance or controlled substance analog in an 1029
amount listed in division (A) (2) of this section. 1030

(2) Division (A) (1) of this section applies to conduct 1031
involving all of the following: 1032

(a) Twenty-five one-thousandths of one gram or more, but 1033
less than five times the bulk amount, of any compound, mixture, 1034
preparation, or substance included in schedule I or schedule II, 1035
other than marijuana, cocaine, L.S.D., heroin, a fentanyl- 1036
related compound, hashish, gamma hydroxybutyric acid, or a 1037
controlled substance analog; 1038

(b) Twenty-five one-thousandths of one gram or more, but 1039
less than fifty times the bulk amount, of any compound, mixture, 1040
preparation, or substance included in schedule III, IV, or V; 1041

(c) Twenty-five one-thousandths of one gram or more, but 1042
less than twenty-seven grams, of cocaine; 1043

(d) One-fourth of one unit dose or more, but less than two 1044
hundred unit doses, of L.S.D. in solid form or twenty-five one- 1045
thousandths of one gram or more, but less than twenty grams, of 1046
L.S.D. in liquid concentrate, liquid extract, or liquid 1047
distillate form; 1048

(e) An amount of heroin equal to or exceeding twenty-five 1049
one-thousandths of one gram or one-fourth of one unit dose, but 1050
less than ten grams or fifty unit doses; 1051

(f) An amount of a fentanyl-related compound equal to or exceeding twenty-five one-thousandths of one gram or one-fourth of one unit dose, but less than ten grams or one hundred unit doses; 1052
1053
1054
1055

(g) Twenty-five one-thousandths of one gram or more, but less than twenty grams, of a controlled substance analog. 1056
1057

(B) (1) This section does not apply to any of the following: 1058
1059

(a) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct was in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 1060
1061
1062
1063
1064

(b) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration; 1065
1066
1067
1068

(c) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C. 301, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act; 1069
1070
1071
1072
1073
1074
1075
1076

(d) Any person who obtained the controlled substance under a lawful prescription issued by a licensed health professional authorized to prescribe drugs. 1077
1078
1079

(2) (a) Subject to division (B) (2) (e) of this section, a 1080

qualified individual shall not be arrested, charged, prosecuted, 1081
convicted, or penalized for a violation of this section or 1082
section 2925.041 of the Revised Code if all of the following 1083
apply: 1084

(i) The evidence of the obtaining, possession, or use of 1085
the controlled substance that would be the basis of the offense 1086
was obtained as a result of the qualified individual seeking the 1087
medical assistance or experiencing an overdose and needing 1088
medical assistance. 1089

(ii) Subject to division (B)(2)(f) of this section, within 1090
thirty days after seeking or obtaining the medical assistance, 1091
the qualified individual seeks and obtains a screening and 1092
receives a referral for treatment from a community addiction 1093
services provider or a properly credentialed addiction treatment 1094
professional. 1095

(iii) Subject to division (B)(2)(f) of this section, the 1096
qualified individual who obtains a screening and receives a 1097
referral for treatment under division (B)(2)(a)(ii) of this 1098
section, upon the request of any prosecuting attorney, submits 1099
documentation to the prosecuting attorney that verifies that the 1100
qualified individual satisfied the requirements of that 1101
division. The documentation shall be limited to the date and 1102
time of the screening obtained and referral received. 1103

(b) If a person is found to be in violation of any 1104
condition of probation and if the violation is a result of 1105
either of the following, the court shall first consider ordering 1106
the person's participation or continued participation in a drug 1107
treatment program or mitigating the penalty for the violation, 1108
after which the court has the discretion either to order the 1109
person's participation or continued participation in a drug 1110

treatment program or to impose the penalty: 1111

(i) Seeking or obtaining medical assistance in good faith 1112
for another person who is experiencing a drug overdose; 1113

(ii) Experiencing a drug overdose and seeking medical 1114
assistance for that overdose or being the subject of another 1115
person seeking or obtaining medical assistance for that overdose 1116
as described in division (B)(2)(a) of this section. 1117

(c) If a person is found to be in violation of any term or 1118
condition of parole and if the violation is a result of either 1119
of the following, the court or the parole board shall first 1120
consider ordering the person's participation or continued 1121
participation in a drug treatment program or mitigating the 1122
penalty for the violation, after which the court or the parole 1123
board has the discretion either to order the person's 1124
participation or continued participation in a drug treatment 1125
program or to impose the penalty: 1126

(i) Seeking or obtaining medical assistance in good faith 1127
for another person who is experiencing a drug overdose; 1128

(ii) Experiencing a drug overdose and seeking medical 1129
assistance for that emergency or being the subject of another 1130
person seeking or obtaining medical assistance for that overdose 1131
as described in division (B)(2)(a). 1132

(d) Nothing in division (B)(2)(a) of this section shall be 1133
construed to do any of the following: 1134

(i) Limit the admissibility of any evidence in connection 1135
with the investigation or prosecution of a crime with regards to 1136
a defendant who does not qualify for the protections of division 1137
(B)(2)(a) of this section or with regards to any crime other 1138
than a drug possession offense committed by a person who 1139

qualifies for protection under division (B) (2) (a) of this 1140
section for a drug possession offense; 1141

(ii) Limit any seizure of evidence or contraband otherwise 1142
permitted by law; 1143

(iii) Limit or abridge the authority of a peace officer to 1144
detain or take into custody a person in the course of an 1145
investigation or to effectuate an arrest for any offense except 1146
as provided in that division; 1147

(iv) Limit, modify, or remove any immunity from liability 1148
available under law in effect prior to September 13, 2016 to any 1149
public agency or to an employee of any public agency. 1150

(e) Division (B) (2) (a) of this section does not apply to 1151
any person who twice previously has been granted an immunity 1152
under division (B) (2) (a) of this section. No person shall be 1153
granted an immunity under division (B) (2) (a) of this section 1154
more than two times. 1155

(f) Nothing in this section shall compel any qualified 1156
individual to disclose protected health information in a way 1157
that conflicts with the requirements of the "Health Insurance 1158
Portability and Accountability Act of 1996," 104 Pub. L. No. 1159
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1160
regulations promulgated by the United States department of 1161
health and human services to implement the act or the 1162
requirements of 42 C.F.R. Part 2. 1163

(3) As used in division (B) (2) of this section: 1164

(a) "Community addiction services provider" has the same 1165
meaning as in section 5119.01 of the Revised Code. 1166

(b) "Community control sanction" and "drug treatment 1167

program" have the same meanings as in section 2929.01 of the 1168
Revised Code. 1169

(c) "Health care facility" has the same meaning as in 1170
section 2919.16 of the Revised Code. 1171

(d) "Post-release control sanction" has the same meaning 1172
as in section 2967.28 of the Revised Code. 1173

(e) "Peace officer" has the same meaning as in section 1174
2935.01 of the Revised Code. 1175

(f) "Public agency" has the same meaning as in section 1176
2930.01 of the Revised Code. 1177

(g) "Qualified individual" means a person who is not 1178
serving a community control sanction or post-release control 1179
sanction and is a person acting in good faith who seeks or 1180
obtains medical assistance for another person who is 1181
experiencing a drug overdose, a person who experiences a drug 1182
overdose and who seeks medical assistance for that overdose, or 1183
a person who is the subject of another person seeking or 1184
obtaining medical assistance for that overdose as described in 1185
division (B) (2) (b) of this section. 1186

(h) "Seek or obtain medical assistance" includes, but is 1187
not limited to making a 9-1-1 call, contacting in person or by 1188
telephone call an on-duty peace officer, or transporting or 1189
presenting a person to a health care facility. 1190

(C) (1) Whoever violates division (A) (1) of this section is 1191
guilty of possession of a controlled substance. Except as 1192
otherwise provided in this division, possession of a controlled 1193
substance is an unclassified misdemeanor. When the offense is an 1194
unclassified misdemeanor, the offender shall be sentenced 1195
pursuant to sections 2929.21 to 2929.28 of the Revised Code, 1196

except that the court may impose on the offender a jail term of 1197
not more than three hundred and sixty-four days; notwithstanding 1198
division (A)(2)(a) of section 2929.28 of the Revised Code, the 1199
offender may be fined up to one thousand dollars; and, 1200
notwithstanding section 2929.27 of the Revised Code, the 1201
offender may be ordered to serve a term of up to six months in a 1202
community based correctional facility. 1203

If the accused has previously been convicted of or pleaded 1204
guilty to two or more violations of this section or of a 1205
substantially equivalent state or municipal ordinance in the 1206
three years immediately preceding the offense date, possession 1207
of a controlled substance is a felony of the fifth degree. 1208

(2) If the controlled substance involved is gamma 1209
hydroxybutyric acid or a fentanyl-related compound, possession 1210
of a controlled substance is a felony of the fifth degree. 1211

(D) If the offender is a professionally licensed person, 1212
in addition to any other sanction imposed for a violation of 1213
this section, the court immediately shall comply with section 1214
2925.38 of the Revised Code. 1215

Sec. 2925.041. (A) No person shall knowingly obtain, 1216
possess, or use marijuana in an amount that equals or exceeds 1217
twenty-five one-thousandths of a gram, but is less than five 1218
thousand grams. 1219

(B) No person shall knowingly obtain, possess, or use 1220
hashish in an amount that equals or exceeds twenty-five one- 1221
thousandths of a gram, but is less than two hundred fifty grams. 1222

(C) Whoever violates division (A) of this section is 1223
guilty of possession of marijuana. The penalty for the offense 1224
shall be determined as follows: 1225

(1) If the amount of marijuana involved equals or exceeds 1226
twenty-five one-thousandths of one gram, but is less than two 1227
hundred grams, possession of marijuana is a minor misdemeanor; 1228

(2) If the amount of marijuana involved is at least two 1229
hundred grams, but is less than four hundred grams, possession 1230
of marijuana is a misdemeanor of the fourth degree; 1231

(3) If the amount of marijuana involved is at least four 1232
hundred grams, but is less than one thousand grams, possession 1233
of marijuana is a misdemeanor of the first degree; 1234

(4) If the amount of marijuana involved is at least one 1235
thousand grams, but is less than five thousand grams, possession 1236
of marijuana is a felony of the fourth degree. 1237

(D) Whoever violates division (B) of this section is 1238
guilty of possession of hashish. The penalty for the offense 1239
shall be determined as follows: 1240

(1) If the amount of hashish involved is equals or exceeds 1241
twenty-five one-thousandths of one gram, but is less than ten 1242
grams, possession of hashish is a minor misdemeanor; 1243

(2) If the amount of hashish involved is at least ten 1244
grams, but is less than twenty grams, possession of hashish is a 1245
misdemeanor of the fourth degree; 1246

(3) If the amount of hashish involved is at least twenty 1247
grams, but is less than fifty grams, possession of hashish is a 1248
misdemeanor of the first degree; 1249

(4) If the amount of hashish involved is at least fifty 1250
grams, but is less than two hundred fifty grams, possession of 1251
hashish is a felony of the fourth degree. 1252

(E) If the offender is a professionally licensed person, 1253

in addition to any other sanction imposed for a violation of 1254
this section, the court immediately shall comply with section 1255
2925.38 of the Revised Code. 1256

(F) Arrest or a conviction for a minor misdemeanor 1257
violation of this section does not constitute a criminal record 1258
and need not be reported by the person so arrested or found 1259
guilty in response to any inquiries about the person's criminal 1260
record, including any inquiries contained in any application for 1261
employment, license, or other right or privilege, or made in 1262
connection with the person's appearance as a witness. 1263

Sec. 2925.02 2925.05. (A) No person shall knowingly do any 1264
of the following: 1265

(1) By force, threat, or deception, administer to another 1266
or induce or cause another to use a controlled substance; 1267

(2) By any means, administer or furnish to another or 1268
induce or cause another to use a controlled substance with 1269
purpose to cause serious physical harm to the other person, or 1270
with purpose to cause the other person to become drug dependent; 1271

(3) By any means, administer or furnish to another or 1272
induce or cause another to use a controlled substance, and 1273
thereby cause serious physical harm to the other person, or 1274
cause the other person to become drug dependent;— 1275

~~(4) By any means, do any of the following:—~~ 1276

~~(a) Furnish or administer a controlled substance to a~~ 1277
~~juvenile who is at least two years the offender's junior, when~~ 1278
~~the offender knows the age of the juvenile or is reckless in~~ 1279
~~that regard;—~~ 1280

~~(b) Induce or cause a juvenile who is at least two years~~ 1281

~~the offender's junior to use a controlled substance, when the
offender knows the age of the juvenile or is reckless in that
regard;~~ 1282
1283
1284

~~(c) Induce or cause a juvenile who is at least two years
the offender's junior to commit a felony drug abuse offense,
when the offender knows the age of the juvenile or is reckless
in that regard;~~ 1285
1286
1287
1288

~~(d) Use a juvenile, whether or not the offender knows the
age of the juvenile, to perform any surveillance activity that
is intended to prevent the detection of the offender or any
other person in the commission of a felony drug abuse offense or
to prevent the arrest of the offender or any other person for
the commission of a felony drug abuse offense.~~ 1289
1290
1291
1292
1293
1294

~~(5) By any means, furnish or administer a controlled
substance to a pregnant woman or induce or cause a pregnant
woman to use a controlled substance, when the offender knows
that the woman is pregnant or is reckless in that regard.~~ 1295
1296
1297
1298

~~(B) Division Divisions (A) (1), and (3), (4), or (5) of
this section ~~does~~ do not apply to manufacturers, wholesalers,
licensed health professionals authorized to prescribe drugs,
pharmacists, owners of pharmacies, and other persons whose
conduct is in accordance with Chapters 3719., 4715., 4723.,
4729., 4730., 4731., and 4741. of the Revised Code.~~ 1299
1300
1301
1302
1303
1304

~~(C) Whoever violates this section is guilty of corrupting
another with drugs. The penalty for the offense shall be
determined as follows:~~ 1305
1306
1307

~~(1) If the offense is a violation of division (A) (1), (2),
(3), or (4) of this section and the drug involved is any
compound, mixture, preparation, or substance included in~~ 1308
1309
1310

~~schedule I or II, with the exception of marihuana other than~~ 1311
~~marijuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-~~ 1312
~~naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-~~ 1313
~~naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-~~ 1314
~~hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-~~ 1315
~~3-hydroxycyclohexyl]-phenol, the offender shall be punished as~~ 1316
~~follows:—~~ 1317

~~(a) Except as otherwise provided in division (C) (1) (b) of~~ 1318
~~this section, corrupting another with drugs committed in those~~ 1319
~~circumstances is a felony of the second degree and, subject to~~ 1320
~~division (E) of this section, the court shall impose as a~~ 1321
~~mandatory prison term a second degree felony mandatory prison~~ 1322
~~term.~~ 1323

~~(b) If the offense was committed in the vicinity of a~~ 1324
~~school, corrupting another with drugs committed in those~~ 1325
~~circumstances is a felony of the first degree, and, subject to~~ 1326
~~division (E) of this section, the court shall impose as a~~ 1327
~~mandatory prison term a first degree felony mandatory prison~~ 1328
~~term.—~~ 1329

~~(2) If the offense is a violation of division (A) (1), (2),~~ 1330
~~(3), or (4) of this section and the drug involved is any~~ 1331
~~compound, mixture, preparation, or substance included in~~ 1332
~~schedule III, IV, or V, the offender shall be punished as~~ 1333
~~follows:—~~ 1334

~~(a) Except as otherwise provided in division (C) (2) (b) of~~ 1335
~~this section, corrupting another with drugs committed in those~~ 1336
~~circumstances is a felony of the second degree and there is a~~ 1337
~~presumption for a prison term for the offense.~~ 1338

~~(b) If the offense was committed in the vicinity of a~~ 1339

~~school, corrupting another with drugs committed in those~~ 1340
~~circumstances is a felony of the second degree and the court~~ 1341
~~shall impose as a mandatory prison term a second degree felony~~ 1342
~~mandatory prison term.~~ 1343

~~(3) If the offense is a violation of division (A) (1), (2),~~ 1344
~~(3), or (4) of this section and the drug involved is marihuana,~~ 1345
~~1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole,~~ 1346
~~1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-~~ 1347
~~dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-~~ 1348
~~(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the~~ 1349
~~offender shall be punished as follows:~~ 1350

~~(a) Except as otherwise provided in division (C) (3) (b) of~~ 1351
~~this section, corrupting another with drugs committed in those~~ 1352
~~circumstances is a felony of the fourth degree and division (C)~~ 1353
~~of section 2929.13 of the Revised Code applies in determining~~ 1354
~~whether to impose a prison term on the offender.~~ 1355

~~(b) If the offense was committed in the vicinity of a~~ 1356
~~school, corrupting another with drugs committed in those~~ 1357
~~circumstances is a felony of the third degree and division (C)~~ 1358
~~of section 2929.13 of the Revised Code applies in determining~~ 1359
~~whether to impose a prison term on the offender.~~ 1360

~~(4) If the offense is a violation of division (A) (5) of~~ 1361
~~this section and the drug involved is any compound, mixture,~~ 1362
~~preparation, or substance included in schedule I or II, with the~~ 1363
~~exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-~~ 1364
~~3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-~~ 1365
~~naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-~~ 1366
~~hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-~~ 1367
~~3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a~~ 1368
~~felony of the first degree and, subject to division (E) of this~~ 1369

~~section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.~~ 1370
1371

~~(5) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, corrupting another with drugs is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony mandatory prison term.~~ 1372
1373
1374
1375
1376
1377

~~(6) If the offense is a violation of division (A) (5) of this section and the drug involved is marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1378
1379
1380
1381
1382
1383
1384
1385
1386

(3) If the drug involved in the violation is marijuana, corrupting another with drugs is a misdemeanor of the first degree. 1387
1388
1389

~~(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised~~ 1390
1391
1392
1393
1394
1395
1396
1397
1398
1399

~~Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years. The court also shall do all of the following that are applicable regarding the offender:~~

~~(1) (a) If the violation is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent.~~

~~(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant to division (D) (1) (a) of this section and any fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code shall be paid by the clerk of the court in accordance with and subject to the requirements of, and shall be used as specified in, division (F) of section 2925.03 of the Revised Code.~~

~~(c) If a person is charged with any violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the forfeited bail shall be paid by the clerk of the court pursuant to division (D) (1) (b) of this section as if it were a fine imposed for a violation of this section.~~

~~(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.~~

~~(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, 1 Pentyl 3 (1-naphthoyl)indole, 1 Butyl 3 (1-naphthoyl)indole, 1 [2 (4-morpholinyl)ethyl] 3 (1-naphthoyl)indole, 5 (1,1-dimethylheptyl) 2 [(1R,3S) 3-hydroxycyclohexyl] phenol, and 5-(1,1-dimethyloctyl) 2 [(1R,3S) 3-hydroxycyclohexyl] phenol, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term that otherwise is authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.~~

~~(F) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension. Upon the filing of the motion and the court's finding of good cause for the determination, the court may terminate the suspension.~~

~~(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a~~

~~motion with the sentencing court requesting the termination of
the suspension. However, an offender who pleaded guilty to or
was convicted of a violation of section 4511.19 of the Revised
Code or a substantially similar municipal ordinance or law of
another state or the United States that arose out of the same
set of circumstances as the violation for which the offender's
license or permit was suspended under this section shall not
file such a motion.~~

~~Upon the filing of a motion under division (F) (2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.~~

Sec. 2925.04 2925.06. (A) No person shall knowingly
~~cultivate marihuana or knowingly manufacture~~ do any of the
following:

(1) Cultivate marijuana;

(2) Manufacture or otherwise engage in any part of the
production of a controlled substance.

(B) This section does not apply to any person listed in
division (B) ~~(1), (2), or (3)~~ of section ~~2925.03-2925.02~~ of the
Revised Code to the extent and under the circumstances described
in ~~these divisions~~ that division.

(C) Notwithstanding anything to the contrary in section
2941.25 of the Revised Code, a person who is convicted of or
pleads guilty to a violation of division (A) (2) of this section
shall not also be convicted of a violation of division (A) of
section 2925.041 of the Revised Code if both of the charges
involve the same chemicals.

(D) (1) Whoever commits a violation of division (A) of this
section that involves any drug other than ~~marihuana~~ marijuana is

guilty of illegal manufacture of drugs, and whoever commits a 1490
violation of division (A) of this section that involves 1491
~~marihuana~~ marijuana is guilty of illegal cultivation of 1492
~~marihuana~~ marijuana. The penalty for either type of violation 1493
shall be determined under divisions (D) (2) and (3) of this 1494
section, subject to division (F) of this section. 1495

(2) ~~Except as otherwise provided in this division, if the~~ 1496
~~drug involved in the violation of division (A) of this section~~ 1497
~~is any compound, mixture, preparation, or substance included in~~ 1498
~~schedule I or II, with the exception of methamphetamine or~~ 1499
~~marihuana, illegal manufacture of drugs~~ Illegal manufacture of 1500
drugs is a felony of the ~~second~~ third degree, and, subject to 1501
~~division (E) of this section, the court shall impose as a~~ 1502
~~mandatory prison term a second degree felony mandatory prison~~ 1503
~~term.~~ 1504

~~If the drug involved in the violation is any compound,~~ 1505
~~mixture, preparation, or substance included in schedule I or II,~~ 1506
~~with the exception of methamphetamine or marihuana, and if the~~ 1507
~~offense was committed in the vicinity of a juvenile or in the~~ 1508
~~vicinity of a school, illegal manufacture of drugs is a felony~~ 1509
~~of the first degree, and, subject to division (E) of this~~ 1510
~~section, the court shall impose as a mandatory prison term a~~ 1511
~~first degree felony mandatory prison term.~~ 1512

(3) ~~If the drug involved in the violation of division (A)~~ 1513
~~of this section is methamphetamine, the penalty for the~~ 1514
~~violation shall be determined as follows:-~~ 1515

~~(a) Except as otherwise provided in division (C) (3) (b) of~~ 1516
~~this section, if the drug involved in the violation is~~ 1517
~~methamphetamine, illegal manufacture of drugs is a felony of the~~ 1518
~~second degree, and, subject to division (E) of this section, the~~ 1519

~~court shall impose a mandatory prison term on the offender— 1520
determined in accordance with this division. Except as otherwise— 1521
provided in this division, the court shall impose as a mandatory— 1522
prison term a second degree felony mandatory prison term that is— 1523
not less than three years. If the offender previously has been— 1524
convicted of or pleaded guilty to a violation of division (A) of— 1525
this section, a violation of division (B) (6) of section 2919.22— 1526
of the Revised Code, or a violation of division (A) of section— 1527
2925.041 of the Revised Code, the court shall impose as a— 1528
mandatory prison term a second degree felony mandatory prison— 1529
term that is not less than five years.— 1530~~

~~(b) If the drug involved in the violation is— 1531
methamphetamine and if the offense was committed in the vicinity— 1532
of a juvenile, in the vicinity of a school, or on public— 1533
premises, illegal manufacture of drugs is a felony of the first— 1534
degree, and, subject to division (E) of this section, the court— 1535
shall impose a mandatory prison term on the offender determined— 1536
in accordance with this division. Except as otherwise provided— 1537
in this division, the court shall impose as a mandatory prison— 1538
term a first degree felony mandatory prison term that is not— 1539
less than four years. If the offender previously has been— 1540
convicted of or pleaded guilty to a violation of division (A) of— 1541
this section, a violation of division (B) (6) of section 2919.22— 1542
of the Revised Code, or a violation of division (A) of section— 1543
2925.041 of the Revised Code, the court shall impose as a— 1544
mandatory prison term a first degree felony mandatory prison— 1545
term that is not less than five years.— 1546~~

~~(4) If the drug involved in the violation of division (A)— 1547
of this section is any compound, mixture, preparation, or— 1548
substance included in schedule III, IV, or V, illegal— 1549
manufacture of drugs is a felony of the third degree or, if the— 1550~~

~~offense was committed in the vicinity of a school or in the~~ 1551
~~vicinity of a juvenile, a felony of the second degree, and there~~ 1552
~~is a presumption for a prison term for the offense.~~ 1553

~~(5) If the drug involved in the violation is marihuana,~~ 1554
~~the~~The penalty for the offense illegal cultivation of marijuana 1555
shall be determined as follows: 1556

(a) Except as otherwise provided in division ~~(C) (5)~~(D) (3) 1557
~~(b), (c), or (d), (e), or (f)~~ of this section, illegal 1558
cultivation of ~~marihuana~~marijuana is a minor misdemeanor ~~or, if~~ 1559
~~the offense was committed in the vicinity of a school or in the~~ 1560
~~vicinity of a juvenile, a misdemeanor of the fourth degree.~~ 1561

(b) If the amount of ~~marihuana~~marijuana involved equals 1562
or exceeds ~~one~~two hundred grams but is less than ~~two~~four 1563
hundred grams, illegal cultivation of ~~marihuana~~marijuana is a 1564
misdemeanor of the fourth degree ~~or, if the offense was~~ 1565
~~committed in the vicinity of a school or in the vicinity of a~~ 1566
~~juvenile, a misdemeanor of the third degree.~~ 1567

(c) If the amount of ~~marihuana~~marijuana involved equals 1568
or exceeds ~~two~~four hundred grams but is less than one thousand 1569
grams, illegal cultivation of ~~marihuana~~marijuana is a felony of 1570
the fifth degree ~~or, if the offense was committed in the~~ 1571
~~vicinity of a school or in the vicinity of a juvenile, a felony~~ 1572
~~of the fourth degree, and division (B) of section 2929.13 of the~~ 1573
~~Revised Code applies in determining whether to impose a prison~~ 1574
~~term on the offender.~~ 1575

(d) If the amount of ~~marihuana~~marijuana involved equals 1576
or exceeds one thousand grams ~~but is less than five thousand~~ 1577
~~grams,~~ illegal cultivation of ~~marihuana~~marijuana is a felony of 1578
the ~~third~~fourth degree ~~or, if the offense was committed in the~~ 1579

~~vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.~~ 1580
1581
1582
1583

~~(e) If the amount of marihuana involved equals or exceeds five thousand grams but is less than twenty thousand grams, illegal cultivation of marihuana is a felony of the third degree or, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, a felony of the second degree, and there is a presumption for a prison term for the offense.~~ 1584
1585
1586
1587
1588
1589

~~(f) Except as otherwise provided in this division, if the amount of marihuana involved equals or exceeds twenty thousand grams, illegal cultivation of marihuana is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds twenty thousand grams and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, illegal cultivation of marihuana is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.~~ 1590
1591
1592
1593
1594
1595
1596
1597
1598
1599
1600

~~(D) In addition to any prison term authorized or required by division (C) or (E) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code.~~ 1601
1602
1603
1604
1605
1606
1607
1608
1609

~~However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:~~

~~(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. The clerk of the court shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.~~

~~(2) (E) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.~~

~~(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section~~

~~and sections 2929.13 and 2929.14 of the Revised Code, if the~~ 1640
~~violation of division (A) of this section involves the sale,~~ 1641
~~offer to sell, or possession of a schedule I or II controlled~~ 1642
~~substance, with the exception of marihuana, and if the court~~ 1643
~~imposing sentence upon the offender finds that the offender as a~~ 1644
~~result of the violation is a major drug offender and is guilty~~ 1645
~~of a specification of the type described in division (A) of~~ 1646
~~section 2941.1410 of the Revised Code, the court, in lieu of the~~ 1647
~~prison term otherwise authorized or required, shall impose upon~~ 1648
~~the offender the mandatory prison term specified in division (B)~~ 1649
~~(3) of section 2929.14 of the Revised Code.~~ 1650

(F) (1) It is an affirmative defense, as provided in 1651
section 2901.05 of the Revised Code, to a charge under this 1652
section for a fifth degree felony violation of illegal 1653
cultivation of ~~marihuana~~ marijuana that the ~~marihuana~~ marijuana 1654
that gave rise to the charge is in an amount, is in a form, is 1655
prepared, compounded, or mixed with substances that are not 1656
controlled substances in a manner, or is possessed or cultivated 1657
under any other circumstances that indicate that the ~~marihuana~~ 1658
marijuana was solely for personal use. 1659

(2) Notwithstanding any contrary provision of division (F) 1660
(1) of this section, if, in accordance with section 2901.05 of 1661
the Revised Code, a person who is charged with a violation of 1662
illegal cultivation of ~~marihuana~~ marijuana that is a felony of 1663
the fifth degree sustains the burden of going forward with 1664
evidence of and establishes by a preponderance of the evidence 1665
the affirmative defense described in ~~this division~~ (F) (1) of 1666
this section, the person may be prosecuted for and may be 1667
convicted of or plead guilty to a misdemeanor violation of 1668
illegal cultivation of ~~marihuana~~ marijuana. 1669

(G) Arrest or conviction for a minor misdemeanor violation 1670
of this section does not constitute a criminal record and need 1671
not be reported by the person so arrested or convicted in 1672
response to any inquiries about the person's criminal record, 1673
including any inquiries contained in an application for 1674
employment, a license, or any other right or privilege or made 1675
in connection with the person's appearance as a witness. 1676

~~(H) (1) If the sentencing court suspends the offender's 1677
driver's or commercial driver's license or permit under this 1678
section in accordance with division (G) of section 2925.03 of 1679
the Revised Code, the offender may request termination of, and 1680
the court may terminate, the suspension of the offender in 1681
accordance with that division. 1682~~

~~(2) Any offender who received a mandatory suspension of 1683
the offender's driver's or commercial driver's license or permit 1684
under this section prior to September 13, 2016, may file a 1685
motion with the sentencing court requesting the termination of 1686
the suspension. However, an offender who pleaded guilty to or 1687
was convicted of a violation of section 4511.19 of the Revised 1688
Code or a substantially similar municipal ordinance or law of 1689
another state or the United States that arose out of the same 1690
set of circumstances as the violation for which the offender's 1691
license or permit was suspended under this section shall not 1692
file such a motion. 1693~~

~~Upon the filing of a motion under division (H) (2) of this 1694
section, the sentencing court, in its discretion, may terminate 1695
the suspension. 1696~~

Sec. 2925.041 2925.061. (A) No person shall knowingly 1697
assemble or possess one or more chemicals that may be used to 1698
manufacture a controlled substance in schedule I or II with the 1699

~~intent purpose~~ to manufacture a controlled substance in schedule 1700
I or II in violation of section ~~2925.04-2925.06~~ of the Revised 1701
Code. 1702

(B) In a prosecution under this section, it is not 1703
necessary to allege or prove that the offender assembled or 1704
possessed all chemicals necessary to manufacture a controlled 1705
substance in schedule I or II. The assembly or possession of a 1706
single chemical that may be used in the manufacture of a 1707
controlled substance in schedule I or II, with the ~~intent~~ 1708
~~purpose~~ to manufacture a controlled substance in either 1709
schedule, is sufficient to violate this section. 1710

(C) Whoever violates this section is guilty of illegal 1711
assembly or possession of chemicals for the manufacture of 1712
drugs, a felony of the fifth degree. ~~Except as otherwise~~ 1713
~~provided in this division, illegal assembly or possession of~~ 1714
~~chemicals for the manufacture of drugs is a felony of the third~~ 1715
~~degree, and, except as otherwise provided in division (C)(1) or~~ 1716
~~(2) of this section, division (C) of section 2929.13 of the~~ 1717
~~Revised Code applies in determining whether to impose a prison~~ 1718
~~term on the offender. If the offense was committed in the~~ 1719
~~vicinity of a juvenile or in the vicinity of a school, illegal~~ 1720
~~assembly or possession of chemicals for the manufacture of drugs~~ 1721
~~is a felony of the second degree, and, except as otherwise~~ 1722
~~provided in division (C)(1) or (2) of this section, division (C)~~ 1723
~~of section 2929.13 of the Revised Code applies in determining~~ 1724
~~whether to impose a prison term on the offender. If the~~ 1725
~~violation of division (A) of this section is a felony of the~~ 1726
~~third degree under this division and if the chemical or~~ 1727
~~chemicals assembled or possessed in violation of division (A) of~~ 1728
~~this section may be used to manufacture methamphetamine, there~~ 1729
~~either is a presumption for a prison term for the offense or the~~ 1730

~~court shall impose a mandatory prison term on the offender, 1731
determined as follows: 1732~~

~~(1) Except as otherwise provided in this division, there 1733
is a presumption for a prison term for the offense. If the 1734
offender two or more times previously has been convicted of or 1735
pleaded guilty to a felony drug abuse offense, except as 1736
otherwise provided in this division, the court shall impose as a 1737
mandatory prison term one of the prison terms prescribed for a 1738
felony of the third degree that is not less than two years. If 1739
the offender two or more times previously has been convicted of 1740
or pleaded guilty to a felony drug abuse offense and if at least 1741
one of those previous convictions or guilty pleas was to a 1742
violation of division (A) of this section, a violation of 1743
division (B) (6) of section 2919.22 of the Revised Code, or a 1744
violation of division (A) of section 2925.04 of the Revised 1745
Code, the court shall impose as a mandatory prison term one of 1746
the prison terms prescribed for a felony of the third degree 1747
that is not less than five years. 1748~~

~~(2) If the violation of division (A) of this section is a 1749
felony of the second degree under division (C) of this section 1750
and the chemical or chemicals assembled or possessed in 1751
committing the violation may be used to manufacture 1752
methamphetamine, the court shall impose as a mandatory prison 1753
term a second degree felony mandatory prison term that is not 1754
less than three years. If the violation of division (A) of this 1755
section is a felony of the second degree under division (C) of 1756
this section, if the chemical or chemicals assembled or 1757
possessed in committing the violation may be used to manufacture 1758
methamphetamine, and if the offender previously has been 1759
convicted of or pleaded guilty to a violation of division (A) of 1760
this section, a violation of division (B) (6) of section 2919.22 1761~~

~~of the Revised Code, or a violation of division (A) of section 1762
2925.04 of the Revised Code, the court shall impose as a 1763
mandatory prison term a second degree felony mandatory prison 1764
term that is not less than five years. 1765~~

~~(D) In addition to any prison term authorized by division 1766
(C) of this section and sections 2929.13 and 2929.14 of the 1767
Revised Code and in addition to any other sanction imposed for 1768
the offense under this section or sections 2929.11 to 2929.18 of 1769
the Revised Code, the court that sentences an offender who is 1770
convicted of or pleads guilty to a violation of this section may 1771
suspend the offender's driver's or commercial driver's license 1772
or permit in accordance with division (G) of section 2925.03 of 1773
the Revised Code. However, if the offender pleaded guilty to or 1774
was convicted of a violation of section 4511.19 of the Revised 1775
Code or a substantially similar municipal ordinance or the law 1776
of another state or the United States arising out of the same 1777
set of circumstances as the violation, the court shall suspend 1778
the offender's driver's or commercial driver's license or permit 1779
in accordance with division (G) of section 2925.03 of the 1780
Revised Code. If applicable, the court also shall do the 1781
following: 1782~~

~~(1) The court shall impose upon the offender the mandatory 1783
fine specified for the offense under division (B) (1) of section 1784
2929.18 of the Revised Code unless, as specified in that 1785
division, the court determines that the offender is indigent. 1786
The clerk of the court shall pay a mandatory fine or other fine 1787
imposed for a violation of this section under division (A) of 1788
section 2929.18 of the Revised Code in accordance with and 1789
subject to the requirements of division (F) of section 2925.03 1790
of the Revised Code. The agency that receives the fine shall use 1791
the fine as specified in division (F) of section 2925.03 of the 1792~~

~~Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.~~ 1793
1794
1795
1796

~~(2) (D) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, in addition to any other sanction imposed for a violation of this section, the court shall comply with section 2925.38 of the Revised Code.~~ 1797
1798
1799
1800
1801
1802

~~(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.~~ 1803
1804
1805
1806
1807
1808

~~(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.~~ 1809
1810
1811
1812
1813
1814
1815
1816
1817
1818
1819

~~Upon the filing of a motion under division (E) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.~~ 1820
1821
1822

Sec. ~~2925.05~~ 2925.07. (A) No person shall ~~knowingly~~ 1823
~~purposely~~ provide money or other items of value to another 1824
person ~~with the purpose that the recipient of the money or items~~ 1825
~~of value use them~~ to obtain any controlled substance for the 1826
purpose of violating section ~~2925.04~~ 2925.06 of the Revised Code 1827
or for the purpose of selling or offering to sell the controlled 1828
substance in the following amount: 1829

(1) If the drug to be sold or offered for sale is any 1830
compound, mixture, preparation, or substance included in 1831
schedule I or II, with the exception of ~~marihuana~~ marijuana, 1832
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1833
hashish, or schedule III, IV, or V, an amount of the drug that 1834
equals or exceeds the bulk amount of the drug; 1835

(2) If the drug to be sold or offered for sale is 1836
~~marihuana~~ marijuana or a compound, mixture, preparation, or 1837
substance other than hashish containing ~~marihuana~~ marijuana, an 1838
amount of the ~~marihuana~~ marijuana that equals or exceeds two 1839
hundred grams; 1840

(3) If the drug to be sold or offered for sale is cocaine 1841
or a compound, mixture, preparation, or substance containing 1842
cocaine, an amount of the cocaine that equals or exceeds ~~five~~ 1843
ten grams; 1844

(4) If the drug to be sold or offered for sale is L.S.D. 1845
or a compound, mixture, preparation, or substance containing 1846
L.S.D., an amount of the L.S.D. that equals or exceeds ~~ten~~ fifty 1847
unit doses if the L.S.D. is in a solid form or equals or exceeds 1848
~~one gram~~ five grams if the L.S.D. is in a liquid concentrate, 1849
liquid extract, or liquid distillate form; 1850

(5) If the drug to be sold or offered for sale is heroin 1851

or a fentanyl-related compound, or a compound, mixture, 1852
preparation, or substance containing heroin or a fentanyl- 1853
related compound, an amount that equals or exceeds ten unit 1854
doses or equals or exceeds one gram; 1855

(6) If the drug to be sold or offered for sale is hashish 1856
or a compound, mixture, preparation, or substance containing 1857
hashish, an amount of the hashish that equals or exceeds ~~ten~~ 1858
fifty grams ~~if the hashish is in a solid form or equals or~~ 1859
~~exceeds two grams if the hashish is in a liquid concentrate,~~ 1860
~~liquid extract, or liquid distillate form.~~ 1861

(B) This section does not apply to any person listed in 1862
division (B) ~~(1), (2), or (3)~~ of section ~~2925.03-2925.02~~ of the 1863
Revised Code to the extent and under the circumstances described 1864
in ~~those divisions~~ that division. 1865

(C) (1) If the drug involved in the violation is any 1866
compound, mixture, preparation, or substance included in 1867
schedule I or II, with the exception of ~~marihuana~~ marijuana, 1868
whoever violates division (A) of this section is guilty of 1869
aggravated funding of drug trafficking, a felony of the ~~first-~~ 1870
third degree, ~~and,~~ subject to division (E) of this section, ~~the~~ 1871
~~court shall impose as a mandatory prison term a first degree~~ 1872
~~felony mandatory prison term.~~ 1873

(2) If the drug involved in the violation is any compound, 1874
mixture, preparation, or substance included in schedule III, IV, 1875
or V, whoever violates division (A) of this section is guilty of 1876
funding of drug trafficking, a felony of the ~~second~~ fourth 1877
degree, ~~and the court shall impose as a mandatory prison term a~~ 1878
~~second degree felony mandatory prison term.~~ 1879

(3) If the drug involved in the violation is 1880

~~marihuana~~marijuana, whoever violates division (A) of this 1881
section is guilty of funding of ~~marihuana~~marijuana trafficking, 1882
a felony of the ~~third~~fourth degree, and, except as otherwise 1883
~~provided in this division, there is a presumption for a prison~~ 1884
~~term for the offense. If funding of marihuana trafficking is a~~ 1885
~~felony of the third degree under this division and if the~~ 1886
~~offender two or more times previously has been convicted of or~~ 1887
~~pleaded guilty to a felony drug abuse offense, the court shall~~ 1888
~~impose as a mandatory prison term one of the prison terms~~ 1889
~~prescribed for a felony of the third degree.~~ 1890

(D) ~~In addition to any prison term authorized or required~~ 1891
~~by division (C) or (E) of this section and sections 2929.13 and~~ 1892
~~2929.14 of the Revised Code and in addition to any other~~ 1893
~~sanction imposed for the offense under this section or sections~~ 1894
~~2929.11 to 2929.18 of the Revised Code, the court that sentences~~ 1895
~~an offender who is convicted of or pleads guilty to a violation~~ 1896
~~of division (A) of this section may suspend the offender's~~ 1897
~~driver's or commercial driver's license or permit in accordance~~ 1898
~~with division (G) of section 2925.03 of the Revised Code.~~ 1899
~~However, if the offender pleaded guilty to or was convicted of a~~ 1900
~~violation of section 4511.19 of the Revised Code or a~~ 1901
~~substantially similar municipal ordinance or the law of another~~ 1902
~~state or the United States arising out of the same set of~~ 1903
~~circumstances as the violation, the court shall suspend the~~ 1904
~~offender's driver's or commercial driver's license or permit in~~ 1905
~~accordance with division (G) of section 2925.03 of the Revised~~ 1906
~~Code. If applicable, the court also shall do the following:~~ 1907

~~(1) The court shall impose the mandatory fine specified~~ 1908
~~for the offense under division (B) (1) of section 2929.18 of the~~ 1909
~~Revised Code unless, as specified in that division, the court~~ 1910
~~determines that the offender is indigent. The clerk of the court~~ 1911

~~shall pay a mandatory fine or other fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine in accordance with division (F) of section 2925.03 of the Revised Code. If a person is charged with a violation of this section, posts bail, and forfeits the bail, the forfeited bail shall be paid as if the forfeited bail were a fine imposed for a violation of this section.~~ 1912
1913
1914
1915
1916
1917
1918
1919
1920
1921

~~(2) If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of division (A) of this section, the court immediately shall comply with section 2925.38 of the Revised Code.~~ 1922
1923
1924
1925

~~(E) Notwithstanding the prison term otherwise authorized or required for the offense under division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, one of the following applies:—~~ 1926
1927
1928
1929
1930
1931
1932

~~(1) If the drug involved in the violation is a fentanyl-related compound, the offense is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.~~ 1933
1934
1935
1936
1937

~~(2) If division (E) (1) of this section does not apply and the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in~~ 1938
1939
1940
1941

~~division (A) of section 2941.1410 of the Revised Code, the
court, in lieu of the prison term otherwise authorized or
required, shall impose upon the offender the mandatory prison
term specified in division (B) (3) of section 2929.14 of the
Revised Code.~~

~~(F) (1) If the sentencing court suspends the offender's
driver's or commercial driver's license or permit under this
section in accordance with division (G) of section 2925.03 of
the Revised Code, the offender may request termination of, and
the court may terminate, the suspension in accordance with that
division.~~

~~(2) Any offender who received a mandatory suspension of
the offender's driver's or commercial driver's license or permit
under this section prior to September 13, 2016, may file a
motion with the sentencing court requesting the termination of
the suspension. However, an offender who pleaded guilty to or
was convicted of a violation of section 4511.19 of the Revised
Code or a substantially similar municipal ordinance or law of
another state or the United States that arose out of the same
set of circumstances as the violation for which the offender's
license or permit was suspended under this section shall not
file such a motion.~~

~~Upon the filing of a motion under division (F) (2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.~~

Sec. 2925.06 2925.08. (A) No person shall knowingly
administer to a human being, or prescribe or dispense for
administration to a human being, any anabolic steroid not
approved by the United States food and drug administration for
administration to human beings.

(B) This section does not apply to any person listed in 1972
division ~~(B) (1), (2), or (3)~~ (C) of section 2925.03 of the 1973
Revised Code to the extent and under the circumstances described 1974
in ~~those divisions~~ that division. 1975

(C) Whoever violates division (A) of this section is 1976
guilty of illegal administration or distribution of anabolic 1977
steroids, a felony of the fourth degree, ~~and division (C) of~~ 1978
~~section 2929.13 of the Revised Code applies in determining~~ 1979
~~whether to impose a prison term on the offender.~~ 1980

(D) ~~(1) In addition to any prison term authorized or~~ 1981
~~required by division (C) of this section and sections 2929.13~~ 1982
~~and 2929.14 of the Revised Code and in addition to any other~~ 1983
~~sanction imposed for the offense under this section or sections~~ 1984
~~2929.11 to 2929.18 of the Revised Code, the court that sentences~~ 1985
~~an offender who is convicted of or pleads guilty to a violation~~ 1986
~~of division (A) of this section may suspend the offender's~~ 1987
~~driver's or commercial driver's license or permit in accordance~~ 1988
~~with division (C) of section 2925.03 of the Revised Code.~~ 1989
~~However, if the offender pleaded guilty to or was convicted of a~~ 1990
~~violation of section 4511.19 of the Revised Code or a~~ 1991
~~substantially similar municipal ordinance or the law of another~~ 1992
~~state or the United States arising out of the same set of~~ 1993
~~circumstances as the violation, the court shall suspend the~~ 1994
~~offender's driver's or commercial driver's license or permit in~~ 1995
~~accordance with division (G) of section 2925.03 of the Revised~~ 1996
~~Code. If an offender's driver's or commercial driver's license~~ 1997
~~or permit is suspended in accordance with that division, the~~ 1998
~~offender may request termination of, and the court may~~ 1999
~~terminate, the suspension in accordance with that division.~~ 2000

If the offender is a professionally licensed person, in 2001

addition to any other sanction imposed for a violation of this 2002
section, the court immediately shall comply with section 2925.38 2003
of the Revised Code. 2004

~~(2) Any offender who received a mandatory suspension of~~ 2005
~~the offender's driver's or commercial driver's license or permit~~ 2006
~~under this section prior to the effective date of this amendment~~ 2007
~~may file a motion with the sentencing court requesting the~~ 2008
~~termination of the suspension. However, an offender who pleaded~~ 2009
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2010
~~the Revised Code or a substantially similar municipal ordinance~~ 2011
~~or law of another state or the United States that arose out of~~ 2012
~~the same set of circumstances as the violation for which the~~ 2013
~~offender's license or permit was suspended under this section~~ 2014
~~shall not file such a motion.~~ 2015

~~Upon the filing of a motion under division (D) (2) of this~~ 2016
~~section, the sentencing court, in its discretion, may terminate~~ 2017
~~the suspension.~~ 2018

~~(E) If a person commits any act that constitutes a~~ 2019
~~violation of division (A) of this section and that also~~ 2020
~~constitutes a violation of any other provision of the Revised~~ 2021
~~Code, the prosecutor, as defined in section 2935.01 of the~~ 2022
~~Revised Code, using customary prosecutorial discretion, may~~ 2023
~~prosecute the person for a violation of the appropriate~~ 2024
~~provision of the Revised Code.~~ 2025

Sec. 2925.09. (A) No person shall knowingly administer, 2026
dispense, distribute, manufacture, possess, sell, or use any 2027
drug, other than a controlled substance, that is not approved by 2028
the United States food and drug administration, or the United 2029
States department of agriculture, unless one of the following 2030
applies: 2031

(1) The United States food and drug administration has 2032
approved an application for investigational use in accordance 2033
with the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 2034
(1938), 21 U.S.C.A. 301, as amended, and the drug is used only 2035
for the approved investigational use; 2036

(2) The United States department of agriculture has 2037
approved an application for investigational use in accordance 2038
with the federal "Virus-Serum-Toxin Act," 37 Stat. 832 (1913), 2039
21 U.S.C.A. 151, as amended, and the drug is used only for the 2040
approved investigational use; 2041

(3) A licensed health professional authorized to prescribe 2042
drugs, other than a veterinarian, prescribes or combines two or 2043
more drugs as a single product for medical purposes; 2044

(4) A pharmacist, pursuant to a prescription, compounds 2045
and dispenses two or more drugs as a single product for medical 2046
purposes. 2047

(B) (1) As used in ~~this division~~ divisions (B) (1) to (3) of 2048
this section, "dangerous drug," "prescription," "sale at 2049
retail," "manufacturer of dangerous drugs," "outsourcing 2050
facility," "third-party logistics provider," "repackager of 2051
dangerous drugs," "wholesale distributor of dangerous drugs," 2052
and "terminal distributor of dangerous drugs," have the same 2053
meanings as in section 4729.01 of the Revised Code. 2054

(2) Except as provided in division (B) (3) of this section, 2055
no person shall knowingly administer, dispense, distribute, 2056
manufacture, possess, sell, or use any dangerous drug to or for 2057
livestock or any animal that is generally used for food or in 2058
the production of food, unless the drug is prescribed by a 2059
licensed veterinarian by prescription or other written order and 2060

the drug is used in accordance with the veterinarian's order or 2061
direction. 2062

(3) Division (B) (2) of this section does not apply to a 2063
licensed manufacturer of dangerous drugs, outsourcing facility, 2064
third-party logistics provider, repackager of dangerous drugs, 2065
wholesale distributor of dangerous drugs, or terminal 2066
distributor of dangerous drugs or to a person who possesses, 2067
possesses for sale, or sells, at retail, a drug in accordance 2068
with Chapters 3719., 4729., or 4741. of the Revised Code. 2069

(C) Whoever violates division (A) or (B) (2) of this 2070
section is guilty of a ~~felony of the fifth degree on a first-~~ 2071
~~offense and of a felony misdemeanor of the fourth first degree~~ 2072
~~on each subsequent offense.~~ 2073

Sec. 2925.10. (A) Notwithstanding any contrary provision 2074
of section 3719.21 of the Revised Code and except as otherwise 2075
provided in division (B) (1) or (2) of this section, the clerk of 2076
the court shall pay all of the following to the county, 2077
township, municipal corporation, park district, as created under 2078
section 511.18 or 1545.04 of the Revised Code, or state law 2079
enforcement agencies in this state that primarily were 2080
responsible for or involved in making the arrest of and in 2081
prosecuting the particular offender: 2082

(1) Any fine imposed on an offender under section 2929.18 2083
of the Revised Code for a felony violation of section 2925.02, 2084
2925.021, 2925.03, 2925.04, 2925.05, 2925.06, 2925.07, 2925.13, 2085
2925.22, 2925.23, 2925.36, or 2925.37 of the Revised Code; 2086

(2) Any fine consisting of any bail that was posted by an 2087
offender for a first, second, or third degree felony violation 2088
of a section listed in division (A) (1) of this section, if the 2089

bail was forfeited. 2090

(B) (1) The clerk shall not pay a fine imposed for a felony 2091
violation of section 2925.02, 2925.021, 2925.03, 2925.04, 2092
2925.05, 2925.06, 2925.07, 2925.13, 2925.22, 2925.23, 2925.36, 2093
or 2925.37 of the Revised Code to a law enforcement agency under 2094
division (A) of this section unless the agency has adopted a 2095
written internal control policy under division (B) (2) of this 2096
section that addresses the use of the fine moneys that it 2097
receives. Each agency shall use the fines paid to it under 2098
division (A) of this section to subsidize the agency's law 2099
enforcement efforts that pertain to drug offenses, in accordance 2100
with the written internal control policy. 2101

(2) Prior to receiving any fine moneys under division (A) 2102
of this section, a law enforcement agency shall adopt a written 2103
internal control policy that addresses the agency's use and 2104
disposition of all fine moneys so received and that provides for 2105
the keeping of detailed financial records of the receipts of 2106
those fine moneys, the general types of expenditures made out of 2107
those fine moneys, and the specific amount of each general type 2108
of expenditure. The policy shall not provide for or permit the 2109
identification of any specific expenditure that is made in an 2110
ongoing investigation. All financial records of the receipts of 2111
those fine moneys, the general types of expenditures made out of 2112
those fine moneys, and the specific amount of each general type 2113
of expenditure by an agency are public records open for 2114
inspection under section 149.43 of the Revised Code. 2115
Additionally, a written internal control policy adopted under 2116
this division is such a public record and the agency that 2117
adopted it shall comply with the policy. 2118

Sec. 2925.11. (A) (1) Except as otherwise provided in 2119

division (A) (2) of this section, the court that sentences an 2120
offender who is convicted of or pleads guilty to any violation 2121
of any prohibition in Chapter 2925. of the Revised Code may 2122
suspend the driver's or commercial driver's license or permit of 2123
the offender in accordance with division (B) of this section if 2124
the violation of the prohibition in Chapter 2925. of the Revised 2125
Code occurred under one or both of the following circumstances: 2126

(a) The offender was operating a motor vehicle or 2127
motorcycle when the violation occurred. 2128

(b) The offender was using a motor vehicle or motorcycle 2129
to facilitate the violation. 2130

(2) If an offender is convicted of or pleads guilty to 2131
both a violation of a prohibition in Chapter 2925. of the 2132
Revised Code and a violation of section 4511.19 of the Revised 2133
code or a substantially similar municipal ordinance or law of 2134
another state or the United States, arising out of the same set 2135
of circumstances, the court may only suspend the offender's 2136
driver's or commercial's driver's license or permit in 2137
accordance with section 4511.19 of the Revised Code or with 2138
section 4510.07 or 4510.17 of the Revised Code. 2139

(B) If the sentencing court suspends the offender's 2140
driver's or commercial driver's license or permit under division 2141
(A) (1) of this section, the court shall suspend the license, by 2142
order, for not more than five years. If an offender's driver's 2143
or commercial driver's license or permit is suspended under this 2144
division and division (A) (1) of this section, the offender, at 2145
any time after the expiration of two years from the day on which 2146
the offender's sentence was imposed or from the day on which the 2147
offender finally was released from a prison term under the 2148
sentence, whichever is later, may file a motion with the 2149

sentencing court requesting termination of the suspension. Upon 2150
the filing of such a motion and the court's finding of good 2151
cause for the termination, the court may terminate the 2152
suspension. 2153

(C) An offender who received a mandatory suspension of the 2154
offender's driver's or commercial driver's license or permit for 2155
any violation of any prohibition in Chapter 2925. of the Revised 2156
Code that occurred prior to the effective date of this section 2157
may file a motion with the sentencing court requesting 2158
termination of the suspension. However, an offender who was 2159
found guilty of a violation of section 4511.19 of the Revised 2160
Code or a substantially similar municipal ordinance or law of 2161
another state or the United States that arose out of the same 2162
set of circumstances as the violation for which the offender's 2163
license or permit was suspended under this section shall not 2164
file such a motion. 2165

Upon the filing of a motion under this division, the 2166
sentencing court, in its discretion, may terminate the 2167
suspension. 2168

(D) Any person whose license or permit has been suspended 2169
under this section may file a petition in the municipal court or 2170
county court or, if the person is under age eighteen, in the 2171
juvenile court, specified in this division requesting limited 2172
driving privileges and agreeing to pay the cost of the 2173
proceedings. A petition under this division shall be filed in 2174
the court with jurisdiction over the person's place of 2175
residence. The court may grant the person limited driving 2176
privileges during the period during which the suspension 2177
otherwise would be imposed for any of the purposes set forth in 2178
division (A) of section 4510.021 of the Revised Code. 2179

Sec. 2925.13. (A) No person who is the owner, operator, or 2180
person in charge of a locomotive, watercraft, aircraft, or other 2181
vehicle, as defined in division (A) of section 4501.01 of the 2182
Revised Code, shall knowingly permit the vehicle to be used for 2183
the commission of a felony drug abuse offense. 2184

(B) No person who is the owner, lessee, or occupant, or 2185
who has custody, control, or supervision, of premises or real 2186
estate, including vacant land, shall knowingly permit the 2187
premises or real estate, including vacant land, to be used for 2188
the commission of a felony drug abuse offense by another person. 2189

(C) (1) Whoever violates this section is guilty of 2190
permitting drug abuse. 2191

(2) Except as provided in division (C) (3) of this section, 2192
permitting drug abuse is a misdemeanor of the first degree. 2193

(3) Permitting drug abuse is a felony of the fifth degree,~~—~~ 2194
~~and division (C) of section 2929.13 of the Revised Code applies~~ 2195
~~in determining whether to impose a prison term on the offender,~~ 2196
if either of the following applies: 2197

(a) The felony drug abuse offense in question is a 2198
violation of section 2925.02, 2925.021, 2925.03, 2925.05, 2199
2925.06, 2925.07, 2925.08, or ~~2925.04~~2925.09 of the Revised 2200
Code. 2201

(b) The felony drug abuse offense in question is a 2202
violation of section ~~2925.041~~2925.061 of the Revised Code and 2203
the offender had actual knowledge, at the time the offender 2204
permitted the vehicle, premises, or real estate to be used as 2205
described in division (A) or (B) of this section, that the 2206
person who assembled or possessed the chemicals in question in 2207
violation of section ~~2925.041~~2925.061 of the Revised Code had 2208

assembled or possessed them with the intent to manufacture a 2209
controlled substance in schedule I or II in violation of section 2210
~~2925.04-2925.06~~ of the Revised Code. 2211

~~(D) (1) In addition to any prison term authorized or 2212
required by division (C) of this section and sections 2929.13- 2213
and 2929.14 of the Revised Code and in addition to any other 2214
sanction imposed for the offense under this section or sections- 2215
2929.11 to 2929.18 of the Revised Code, the court that sentences- 2216
a person who is convicted of or pleads guilty to a violation of 2217
division (A) of this section may suspend for not more than five- 2218
years the offender's driver's or commercial driver's license or 2219
permit. However, if the offender pleaded guilty to or was- 2220
convicted of a violation of section 4511.19 of the Revised Code- 2221
or a substantially similar municipal ordinance or the law of- 2222
another state or the United States arising out of the same set- 2223
of circumstances as the violation, the court shall suspend the 2224
offender's driver's or commercial driver's license or permit for 2225
not more than five years. 2226~~

If the offender is a professionally licensed person, in 2227
addition to any other sanction imposed for a violation of this 2228
section, the court immediately shall comply with section 2925.38 2229
of the Revised Code. 2230

~~(2) Any offender who received a mandatory suspension of 2231
the offender's driver's or commercial driver's license or permit- 2232
under this section prior to September 13, 2016, may file a 2233
motion with the sentencing court requesting the termination of- 2234
the suspension. However, an offender who pleaded guilty to or 2235
was convicted of a violation of section 4511.19 of the Revised- 2236
Code or a substantially similar municipal ordinance or law of- 2237
another state or the United States that arose out of the same- 2238~~

~~set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.~~ 2239
2240
2241

~~Upon the filing of a motion under division (D) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.~~ 2242
2243
2244

~~(E) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.~~ 2245
2246
2247
2248
2249
2250
2251
2252

~~(F) Any premises or real estate that is permitted to be used in violation of division (B) of this section constitutes a nuisance subject to abatement pursuant to under Chapter 3767. of the Revised Code.~~ 2253
2254
2255
2256

Sec. 2925.14. (A) As used in this section, "drug paraphernalia" means any equipment, product, or material of any kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the 2257
2258
2259
2260
2261
2262
2263
2264
2265
2266
2267
2268

offender for use, in any of the following manners:	2269
(1) A kit for propagating, cultivating, growing, or	2270
harvesting any species of a plant that is a controlled substance	2271
or from which a controlled substance can be derived;	2272
(2) A kit for manufacturing, compounding, converting,	2273
producing, processing, or preparing a controlled substance;	2274
(3) Any object, instrument, or device for manufacturing,	2275
compounding, converting, producing, processing, or preparing	2276
methamphetamine;	2277
(4) An isomerization device for increasing the potency of	2278
any species of a plant that is a controlled substance;	2279
(5) Testing equipment for identifying, or analyzing the	2280
strength, effectiveness, or purity of, a controlled substance;	2281
(6) A scale or balance for weighing or measuring a	2282
controlled substance;	2283
(7) A diluent or adulterant, such as quinine	2284
hydrochloride, mannitol, mannite, dextrose, or lactose, for	2285
cutting a controlled substance;	2286
(8) A separation gin or sifter for removing twigs and	2287
seeds from, or otherwise cleaning or refining, marihuana	2288
<u>marijuana</u> ;	2289
(9) A blender, bowl, container, spoon, or mixing device	2290
for compounding a controlled substance;	2291
(10) A capsule, balloon, envelope, or container for	2292
packaging small quantities of a controlled substance;	2293
(11) A container or device for storing or concealing a	2294
controlled substance;	2295

(12) A hypodermic syringe, needle, or instrument for 2296
parenterally injecting a controlled substance into the human 2297
body; 2298

(13) An object, instrument, or device for ingesting, 2299
inhaling, or otherwise introducing into the human body, 2300
~~marihuana~~marijuana, cocaine, hashish, or hashish oil, such as a 2301
metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, 2302
with or without a screen, permanent screen, hashish head, or 2303
punctured metal bowl; water pipe; carburetion tube or device; 2304
smoking or carburetion mask; roach clip or similar object used 2305
to hold burning material, such as a ~~marihuana~~marijuana 2306
cigarette, that has become too small or too short to be held in 2307
the hand; miniature cocaine spoon, or cocaine vial; chamber 2308
pipe; carburetor pipe; electric pipe; air driver pipe; chillum; 2309
bong; or ice pipe or chiller. 2310

(B) In determining if any equipment, product, or material 2311
is drug paraphernalia, a court or law enforcement officer shall 2312
consider, in addition to other relevant factors, the following: 2313

(1) Any statement by the owner, or by anyone in control, 2314
of the equipment, product, or material, concerning its use; 2315

(2) The proximity in time or space of the equipment, 2316
product, or material, or of the act relating to the equipment, 2317
product, or material, to a violation of any provision of this 2318
chapter; 2319

(3) The proximity of the equipment, product, or material 2320
to any controlled substance; 2321

(4) The existence of any residue of a controlled substance 2322
on the equipment, product, or material; 2323

(5) Direct or circumstantial evidence of the intent of the 2324

owner, or of anyone in control, of the equipment, product, or 2325
material, to deliver it to any person whom the owner or person 2326
in control of the equipment, product, or material knows intends 2327
to use the object to facilitate a violation of any provision of 2328
this chapter. A finding that the owner, or anyone in control, of 2329
the equipment, product, or material, is not guilty of a 2330
violation of any other provision of this chapter does not 2331
prevent a finding that the equipment, product, or material was 2332
intended or designed by the offender for use as drug 2333
paraphernalia. 2334

(6) Any oral or written instruction provided with the 2335
equipment, product, or material concerning its use; 2336

(7) Any descriptive material accompanying the equipment, 2337
product, or material and explaining or depicting its use; 2338

(8) National or local advertising concerning the use of 2339
the equipment, product, or material; 2340

(9) The manner and circumstances in which the equipment, 2341
product, or material is displayed for sale; 2342

(10) Direct or circumstantial evidence of the ratio of the 2343
sales of the equipment, product, or material to the total sales 2344
of the business enterprise; 2345

(11) The existence and scope of legitimate uses of the 2346
equipment, product, or material in the community; 2347

(12) Expert testimony concerning the use of the equipment, 2348
product, or material. 2349

(C) (1) ~~Subject to division (D) (2) of this section, no~~ No 2350
person shall knowingly use, or possess with purpose to use, drug 2351
paraphernalia. 2352

(2) No person shall knowingly sell, or possess or 2353
manufacture with purpose to sell, drug paraphernalia, if the 2354
person knows or reasonably should know that the equipment, 2355
product, or material will be used as drug paraphernalia. 2356

(3) No person shall place an advertisement in any 2357
newspaper, magazine, handbill, or other publication that is 2358
published and printed and circulates primarily within this 2359
state, if the person knows that the purpose of the advertisement 2360
is to promote the illegal sale in this state of the equipment, 2361
product, or material that the offender intended or designed for 2362
use as drug paraphernalia. 2363

(D) ~~(1)~~—This section does not apply to manufacturers, 2364
licensed health professionals authorized to prescribe drugs, 2365
pharmacists, owners of pharmacies, and other persons whose 2366
conduct is in accordance with Chapters 3719., 4715., 4723., 2367
4729., 4730., 4731., and 4741. of the Revised Code. This section 2368
shall not be construed to prohibit the possession or use of a 2369
hypodermic as authorized by section 3719.172 of the Revised 2370
Code. 2371

~~(2) Division (C) (1) of this section does not apply to a 2372
person's use, or possession with purpose to use, any drug 2373
paraphernalia that is equipment, a product, or material of any 2374
kind that is used by the person, intended by the person for use, 2375
or designed for use in storing, containing, concealing, 2376
injecting, ingesting, inhaling, or otherwise introducing into 2377
the human body marihuana. 2378~~

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2379
drug paraphernalia that was used, possessed, sold, or 2380
manufactured in a violation of this section shall be seized, 2381
after a conviction for that violation shall be forfeited, and 2382

upon forfeiture shall be disposed of ~~pursuant to division (B) of~~ 2383
under section 2981.12 of the Revised Code. 2384

(F) (1) ~~Whoever~~ Except as otherwise provided in divisions 2385
(F) (2) and (3) of this section, whoever violates division (C) (1) 2386
of this section is guilty of illegal use or possession of drug 2387
paraphernalia, a misdemeanor of the fourth degree. 2388

(2) ~~Except as provided in division (F) (3) of this section,~~ 2389
~~whoever~~ If the drug paraphernalia involved in a violation of 2390
division (C) (1) of this section is a hypodermic needle or 2391
syringe, whoever violates division (C) (1) of this section is 2392
guilty of possessing drug abuse instruments. Except as otherwise 2393
provided in this division, possessing drug abuse instruments is 2394
a misdemeanor of the second degree. If the offender has 2395
previously been convicted of or pleaded guilty to a drug abuse 2396
offense, possessing drug abuse instruments is a misdemeanor of 2397
the first degree. 2398

(3) If the drug paraphernalia involved in a violation of 2399
division (C) (1) of this section is equipment, a product, or 2400
material of any kind that is used by the person, intended by the 2401
person for use, or designed for use in storing, containing, 2402
concealing, injecting, ingesting, inhaling, or otherwise 2403
introducing into the human body marijuana, whoever violates 2404
division (C) (1) of this section is guilty of illegal use or 2405
possession of marijuana drug paraphernalia, a minor misdemeanor. 2406

(4) Whoever violates division (C) (2) of this section is 2407
guilty of dealing in drug paraphernalia, a misdemeanor of the 2408
second degree. 2409

~~(3) Whoever~~ violates division (C) (2) of this section by 2410
~~selling drug paraphernalia to a juvenile is guilty of selling~~ 2411

~~drug paraphernalia to juveniles, a misdemeanor of the first- 2412
degree. 2413~~

~~(4)(5) Whoever violates division (C) (3) of this section is 2414
guilty of illegal advertising of drug paraphernalia, a 2415
misdemeanor of the second degree. 2416~~

~~(G) (1) In addition to any other sanction imposed upon an 2417
offender for a violation of this section, the court may suspend 2418
for not more than five years the offender's driver's or 2419
commercial driver's license or permit. However, if the offender 2420
pleaded guilty to or was convicted of a violation of section 2421
4511.19 of the Revised Code or a substantially similar municipal 2422
ordinance or the law of another state or the United States 2423
arising out of the same set of circumstances as the violation, 2424
the court shall suspend the offender's driver's or commercial 2425
driver's license or permit for not more than five years. If the 2426
offender is a professionally licensed person, in addition to any 2427
other sanction imposed for a violation of this section, the 2428
court immediately shall comply with section 2925.38 of the 2429
Revised Code. 2430~~

~~(2) Any offender who received a mandatory suspension of 2431
the offender's driver's or commercial driver's license or permit 2432
under this section prior to the effective date of this amendment 2433
may file a motion with the sentencing court requesting the 2434
termination of the suspension. However, an offender who pleaded 2435
guilty to or was convicted of a violation of section 4511.19 of 2436
the Revised Code or a substantially similar municipal ordinance 2437
or law of another state or the United States that arose out of 2438
the same set of circumstances as the violation for which the 2439
offender's license or permit was suspended under this section 2440
shall not file such a motion. 2441~~

~~Upon the filing of a motion under division (G) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.~~ 2442
2443
2444

Sec. 2925.22. (A) No person, by deception, shall ~~procure~~ knowingly do any of the following: 2445
2446

(1) Procure the administration of, a prescription for, or the dispensing of, a dangerous drug ~~or shall possess;~~ 2447
2448

(2) Possess an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug. 2449
2450

(B) Whoever violates this section is guilty of deception to obtain a dangerous drug. The penalty for the offense shall be determined as follows: 2451
2452
2453

~~(1) If the person possesses an uncompleted preprinted prescription blank used for writing a prescription for a dangerous drug or if the drug involved is a dangerous drug, except~~ Except as otherwise provided in division (B) (2) or (3) of this section, deception to obtain a dangerous drug in violation of division (A) (1) of this section is a ~~felony~~ misdemeanor of the ~~fifth~~ first degree ~~or, if the offender previously has been convicted of or pleaded guilty to a drug abuse offense,~~ . Except as otherwise provided in division (B) (2) or (3) of this section, deception to obtain a dangerous drug in violation of division (A) (2) of this section is a felony of the ~~fourth~~ fifth degree. Division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender pursuant to this division. 2454
2455
2456
2457
2458
2459
2460
2461
2462
2463
2464
2465
2466
2467

(2) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of ~~marihuana~~ marijuana, the penalty for deception to 2468
2469
2470

obtain ~~drugs~~ a dangerous drug is one of the following: 2471

(a) Except as otherwise provided in division (B) (2) (b), 2472
(c), or (d) of this section, it is a felony of the fourth 2473
degree, ~~and division (C) of section 2929.13 of the Revised Code~~ 2474
~~applies in determining whether to impose a prison term on the~~ 2475
~~offender.~~ 2476

(b) If the amount of the drug involved equals or exceeds 2477
the bulk amount but is less than ~~five~~ fifty times the bulk 2478
amount, or if the amount of the drug involved that could be 2479
obtained ~~pursuant to~~ under the prescription would equal or 2480
exceed the bulk amount but would be less than ~~five~~ fifty times 2481
the bulk amount, it is a felony of the third degree, ~~and there~~ 2482
~~is a presumption for a prison term for the offense.~~ 2483

(c) If the amount of the drug involved equals or exceeds 2484
~~five~~ fifty times the bulk amount but is less than ~~fifty~~ one 2485
hundred times the bulk amount, or if the amount of the drug 2486
involved that could be obtained ~~pursuant to~~ under the 2487
prescription would equal or exceed ~~five~~ fifty times the bulk 2488
amount but would be less than ~~fifty~~ one hundred times the bulk 2489
amount, it is a felony of the second degree, ~~and there is a~~ 2490
~~presumption for a prison term for the offense.~~ 2491

(d) If the amount of the drug involved equals or exceeds 2492
~~fifty~~ one hundred times the bulk amount, or if the amount of the 2493
drug involved that could be obtained pursuant to under the 2494
prescription would equal or exceed ~~fifty~~ one hundred times the 2495
bulk amount, it is a felony of the first degree, ~~and there is a~~ 2496
~~presumption for a prison term for the offense.~~ 2497

(3) If the drug involved is a compound, mixture, 2498
preparation, or substance included in schedule III, IV, or V or 2499

is ~~marihuana~~marijuana, the penalty for deception to obtain a 2500
dangerous drug is one of the following: 2501

(a) Except as otherwise provided in division (B) (3) (b), or 2502
(c), ~~or (d)~~ of this section, it is a felony of the fifth degree, ~~or~~ 2503
~~and division (C) of section 2929.13 of the Revised Code applies~~ 2504
~~in determining whether to impose a prison term on the offender.~~ 2505

(b) If the amount of the drug involved equals or exceeds 2506
the bulk amount but is less than ~~five~~fifty times the bulk 2507
amount, or if the amount of the drug involved that could be 2508
obtained ~~pursuant to~~under the prescription would equal or 2509
exceed the bulk amount but would be less than ~~five~~fifty times 2510
the bulk amount, it is a felony of the fourth degree, ~~and~~ 2511
~~division (C) of section 2929.13 of the Revised Code applies in~~ 2512
~~determining whether to impose a prison term on the offender.~~ 2513

(c) If the amount of the drug involved equals or exceeds 2514
~~five~~fifty times the bulk amount ~~but is less than fifty times~~ 2515
~~the bulk amount~~, or if the amount of the drug involved that 2516
could be obtained ~~pursuant to~~under the prescription would equal 2517
or exceed ~~five~~fifty times the bulk amount ~~but would be less~~ 2518
~~than fifty times the bulk amount~~, it is a felony of the ~~third~~ 2519
second degree, ~~and there is a presumption for a prison term for~~ 2520
~~the offense.~~ 2521

~~(d) If the amount of the drug involved equals or exceeds~~ 2522
~~fifty times the bulk amount, or if the amount of the drug~~ 2523
~~involved that could be obtained pursuant to the prescription~~ 2524
~~would equal or exceed fifty times the bulk amount, it is a~~ 2525
~~felony of the second degree, and there is a presumption for a~~ 2526
~~prison term for the offense.~~ 2527

~~(C) (1) In addition to any prison term authorized or~~ 2528

~~required by division (B) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~

If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

~~(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to the effective date of this amendment may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.~~

~~Upon the filing of a motion under division (C) (2) of this~~

~~section, the sentencing court, in its discretion, may terminate
the suspension.~~ 2559
2560

~~(D) Notwithstanding any contrary provision of section
3719.21 of the Revised Code, the clerk of the court shall pay a
fine imposed for a violation of this section pursuant to
division (A) of section 2929.18 of the Revised Code in
accordance with and subject to the requirements of division (F)
of section 2925.03 of the Revised Code. The agency that receives
the fine shall use the fine as specified in division (F) of
section 2925.03 of the Revised Code.~~ 2561
2562
2563
2564
2565
2566
2567
2568

Sec. 2925.23. (A) No person shall knowingly make a false 2569
statement in any prescription, order, report, or record required 2570
by Chapter 3719. or 4729. of the Revised Code. 2571

(B) No person shall intentionally purposely make, utter, 2572
or sell, or knowingly possess any of the following that is a 2573
false or forged: 2574

(1) Prescription; 2575

(2) Uncompleted preprinted prescription blank used for 2576
writing a prescription; 2577

(3) Official written order; 2578

(4) License for a terminal distributor of dangerous drugs, 2579
as defined in section 4729.01 of the Revised Code; 2580

(5) License for a manufacturer of dangerous drugs, 2581
outsourcing facility, third-party logistics provider, repackager 2582
of dangerous drugs, or wholesale distributor of dangerous drugs, 2583
as defined in section 4729.01 of the Revised Code. 2584

(C) No person, by theft as defined in section 2913.02 of 2585
the Revised Code, shall purposely acquire any of the following: 2586

(1) A prescription;	2587
(2) An uncompleted preprinted prescription blank used for writing a prescription;	2588 2589
(3) An official written order;	2590
(4) A blank official written order;	2591
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2592 2593 2594
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2595 2596 2597 2598 2599
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2600 2601 2602
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	2603 2604 2605 2606 2607
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents	2608 2609 2610 2611 2612 2613 2614

shall be determined as follows: 2615

(1) If the drug involved is a compound, mixture, 2616
preparation, or substance included in schedule I or II, with the 2617
exception of ~~marihuana~~marijuana, illegal processing of drug 2618
documents is a felony of the fourth degree, ~~and division (C) of~~ 2619
~~section 2929.13 of the Revised Code applies in determining~~ 2620
~~whether to impose a prison term on the offender.~~ 2621

(2) If the drug involved is a dangerous drug or a 2622
compound, mixture, preparation, or substance included in 2623
schedule III, IV, or V or is ~~marihuana~~marijuana, illegal 2624
processing of drug documents is a felony of the fifth degree, ~~and~~ 2625
~~division (C) of section 2929.13 of the Revised Code applies~~ 2626
~~in determining whether to impose a prison term on the offender.~~ 2627

~~(G) (1) In addition to any prison term authorized or~~ 2628
~~required by division (F) of this section and sections 2929.13~~ 2629
~~and 2929.14 of the Revised Code and in addition to any other~~ 2630
~~sanction imposed for the offense under this section or sections~~ 2631
~~2929.11 to 2929.18 of the Revised Code, the court that sentences~~ 2632
~~an offender who is convicted of or pleads guilty to any~~ 2633
~~violation of divisions (A) to (D) of this section may suspend~~ 2634
~~for not more than five years the offender's driver's or~~ 2635
~~commercial driver's license or permit. However, if the offender~~ 2636
~~pleaded guilty to or was convicted of a violation of section~~ 2637
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2638
~~ordinance or the law of another state or the United States~~ 2639
~~arising out of the same set of circumstances as the violation,~~ 2640
~~the court shall suspend the offender's driver's or commercial~~ 2641
~~driver's license or permit for not more than five years.~~ 2642

If the offender is a professionally licensed person, in 2643
addition to any other sanction imposed for a violation of this 2644

section, the court immediately shall comply with section 2925.38 2645
of the Revised Code. 2646

~~(2) Any offender who received a mandatory suspension of 2647
the offender's driver's or commercial driver's license or permit 2648
under this section prior to September 13, 2016, may file a 2649
motion with the sentencing court requesting the termination of 2650
the suspension. However, an offender who pleaded guilty to or 2651
was convicted of a violation of section 4511.19 of the Revised 2652
Code or a substantially similar municipal ordinance or law of 2653
another state or the United States that arose out of the same 2654
set of circumstances as the violation for which the offender's 2655
license or permit was suspended under this section shall not 2656
file such a motion. 2657~~

~~Upon the filing of a motion under division (G) (2) of this 2658
section, the sentencing court, in its discretion, may terminate 2659
the suspension. 2660~~

~~(H) Notwithstanding any contrary provision of section 2661
3719.21 of the Revised Code, the clerk of court shall pay a fine 2662
imposed for a violation of this section pursuant to division (A) 2663
of section 2929.18 of the Revised Code in accordance with and 2664
subject to the requirements of division (F) of section 2925.03 2665
of the Revised Code. The agency that receives the fine shall use 2666
the fine as specified in division (F) of section 2925.03 of the 2667
Revised Code. 2668~~

Sec. 2925.31. (A) Except for lawful research, clinical, 2669
medical, dental, or veterinary purposes, no person, with purpose 2670
to induce intoxication or similar physiological effects, shall 2671
obtain, possess, or use a harmful intoxicant. 2672

(B) Whoever violates this section is guilty of abusing 2673

harmful intoxicants, a misdemeanor of the first degree. ~~If the~~ 2674
~~offender previously has been convicted of a drug abuse offense,~~ 2675
~~abusing harmful intoxicants is a felony of the fifth degree.~~ 2676

~~(C) (1) In addition to any other sanction imposed upon an~~ 2677
~~offender for a violation of this section, the court may suspend~~ 2678
~~for not more than five years the offender's driver's or~~ 2679
~~commercial driver's license or permit. However, if the offender~~ 2680
~~pleaded guilty to or was convicted of a violation of section~~ 2681
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2682
~~ordinance or the law of another state or the United States~~ 2683
~~arising out of the same set of circumstances as the violation,~~ 2684
~~the court shall suspend the offender's driver's or commercial~~ 2685
~~driver's license or permit for not more than five years. If the~~ 2686
offender is a professionally licensed person, in addition to any 2687
other sanction imposed for a violation of this section, the 2688
court immediately shall comply with section 2925.38 of the 2689
Revised Code. 2690

~~(2) Any offender who received a mandatory suspension of~~ 2691
~~the offender's driver's or commercial driver's license or permit~~ 2692
~~under this section prior to the effective date of this amendment~~ 2693
~~may file a motion with the sentencing court requesting the~~ 2694
~~termination of the suspension. However, an offender who pleaded~~ 2695
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2696
~~the Revised Code or a substantially similar municipal ordinance~~ 2697
~~or law of another state or the United States that arose out of~~ 2698
~~the same set of circumstances as the violation for which the~~ 2699
~~offender's license or permit was suspended under this section~~ 2700
~~shall not file such a motion.~~ 2701

~~Upon the filing of a motion under division (C) (2) of this~~ 2702
~~section, the sentencing court, in its discretion, may terminate~~ 2703

~~the suspension.~~ 2704

Sec. 2925.32. (A) ~~Divisions (A) (1) and (2) of this section~~ 2705
~~do not apply to the dispensing or distributing of nitrous oxide.~~ 2706

~~(1) No person shall knowingly dispense or distribute a~~ 2707
~~harmful intoxicant to a person age eighteen or older if the~~ 2708
~~person who dispenses or distributes it knows or has reason to~~ 2709
~~believe that the harmful intoxicant will be used in violation of~~ 2710
~~section 2925.31 of the Revised Code.~~ 2711

~~(2) No person shall knowingly dispense or distribute a~~ 2712
~~harmful intoxicant to a person under age eighteen if the person~~ 2713
~~who dispenses or distributes it knows or has reason to believe~~ 2714
~~that the harmful intoxicant will be used in violation of section~~ 2715
~~2925.31 of the Revised Code. Division (A) (2) of this section~~ 2716
~~does not prohibit either of the following:~~ 2717

~~(a) Dispensing or distributing a harmful intoxicant to a~~ 2718
~~person under age eighteen if a written order from the juvenile's~~ 2719
~~parent or guardian is provided to the dispenser or distributor;~~ 2720

~~(b) Dispensing or distributing gasoline or diesel fuel to~~ 2721
~~a person under age eighteen if the dispenser or distributor does~~ 2722
~~not know or have reason to believe the product will be used in~~ 2723
~~violation of section 2925.31 of the Revised Code. Division (A)~~ 2724
~~(2) (a) of this section does not require a person to obtain a~~ 2725
~~written order from the parent or guardian of a person under age~~ 2726
~~eighteen in order to distribute or dispense gasoline or diesel~~ 2727
~~fuel to the person. This division does not apply to the~~ 2728
~~dispensing or distributing of nitrous oxide.~~ 2729

(B) (1) No person shall knowingly dispense or distribute 2730
nitrous oxide to a person age twenty-one or older if the person 2731
who dispenses or distributes it knows or has reason to believe 2732

the nitrous oxide will be used in violation of section 2925.31 2733
of the Revised Code. 2734

(2) Except for lawful medical, dental, or clinical 2735
purposes, no person shall knowingly dispense or distribute 2736
nitrous oxide to a person under age twenty-one. 2737

(3) No person, at the time a cartridge of nitrous oxide is 2738
sold to another person, shall knowingly sell a device that 2739
allows the purchaser to inhale nitrous oxide from cartridges or 2740
to hold nitrous oxide released from cartridges for purposes of 2741
inhalation. The sale of any such device constitutes a rebuttable 2742
presumption that the person knew or had reason to believe that 2743
the purchaser intended to abuse the nitrous oxide. 2744

(4) No person who dispenses or distributes nitrous oxide 2745
in cartridges shall knowingly fail to comply with either of the 2746
following: 2747

(a) The record-keeping requirements established under 2748
division (F) of this section; 2749

(b) The labeling and transaction identification 2750
requirements established under division (G) of this section. 2751

(c) This section does not apply to products used in 2752
making, fabricating, assembling, transporting, or constructing a 2753
product or structure by manual labor or machinery for sale or 2754
lease to another person, or to the mining, refining, or 2755
processing of natural deposits. 2756

(D) (1) (a) Whoever violates division (A) ~~(1) or (2)~~ or 2757
division (B) (1), (2), or (3) of this section is guilty of 2758
trafficking in harmful intoxicants, a felony of the fifth 2759
degree. If the offender previously has been convicted of a drug 2760
abuse offense, trafficking in harmful intoxicants is a felony of 2761

the fourth degree. ~~In addition to any other sanction imposed~~ 2762
~~upon an offender for trafficking in harmful intoxicants, the~~ 2763
~~court may suspend for not more than five years the offender's~~ 2764
~~driver's or commercial driver's license or permit. However, if~~ 2765
~~the offender pleaded guilty to or was convicted of a violation~~ 2766
~~of section 4511.19 of the Revised Code or a substantially~~ 2767
~~similar municipal ordinance or the law of another state or the~~ 2768
~~United States arising out of the same set of circumstances as~~ 2769
~~the violation, the court shall suspend the offender's driver's~~ 2770
~~or commercial driver's license or permit for not more than five~~ 2771
~~years.~~ If the offender is a professionally licensed person, in 2772
addition to any other sanction imposed for trafficking in 2773
harmful intoxicants, the court immediately shall comply with 2774
section 2925.38 of the Revised Code. 2775

~~(b) Any offender who received a mandatory suspension of~~ 2776
~~the offender's driver's or commercial driver's license or permit~~ 2777
~~under this section prior to the effective date of this amendment~~ 2778
~~may file a motion with the sentencing court requesting the~~ 2779
~~termination of the suspension. However, an offender who pleaded~~ 2780
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2781
~~the Revised Code or a substantially similar municipal ordinance~~ 2782
~~or law of another state or the United States that arose out of~~ 2783
~~the same set of circumstances as the violation for which the~~ 2784
~~offender's license or permit was suspended under this section~~ 2785
~~shall not file such a motion.~~ 2786

~~Upon the filing of a motion under division (D) (1) (b) of~~ 2787
~~this section, the sentencing court, in its discretion, may~~ 2788
~~terminate the suspension.~~ 2789

(2) Whoever violates division (B) (4) (a) or (b) of this 2790
section is guilty of improperly dispensing or distributing 2791

nitrous oxide, a misdemeanor of the fourth degree. 2792

(E) It is an affirmative defense to a charge of a 2793
violation of division ~~(A) (2) or~~ (B) (2) of this section that: 2794

(1) An individual exhibited to the defendant or an officer 2795
or employee of the defendant, for purposes of establishing the 2796
individual's age, a driver's license or permit issued by this 2797
state, a commercial driver's license or permit issued by this 2798
state, an identification card issued ~~pursuant to~~ under section 2799
4507.50 of the Revised Code, for another document that purports 2800
to be a license, permit, or identification card described in 2801
this division; 2802

(2) The document exhibited appeared to be a genuine, 2803
unaltered document, to pertain to the individual, and to 2804
establish the individual's age; 2805

(3) The defendant or the officer or employee of the 2806
defendant otherwise did not have reasonable cause to believe 2807
that the individual was under the age represented. 2808

(F) ~~Beginning July 1, 2001, a~~ A person who dispenses or 2809
distributes nitrous oxide shall record each transaction 2810
involving the dispensing or distributing of the nitrous oxide on 2811
a separate card. The person shall require the purchaser to sign 2812
the card and provide a complete residence address. The person 2813
dispensing or distributing the nitrous oxide shall sign and date 2814
the card. The person shall retain the card recording a 2815
transaction for one year from the date of the transaction. The 2816
person shall maintain the cards at the person's business address 2817
and make them available during normal business hours for 2818
inspection and copying by officers or employees of the state 2819
board of pharmacy or of other law enforcement agencies of this 2820

state or the United States that are authorized to investigate 2821
violations of Chapter 2925., 3719., or 4729. of the Revised Code 2822
or the federal drug abuse control laws. 2823

The cards used to record each transaction shall inform the 2824
purchaser of the following: 2825

(1) That nitrous oxide cartridges are to be used only for 2826
purposes of preparing food; 2827

(2) That inhalation of nitrous oxide can have dangerous 2828
health effects; 2829

(3) That it is a violation of state law to distribute or 2830
dispense cartridges of nitrous oxide to any person under age 2831
twenty-one, punishable as a felony of the fifth degree. 2832

(G) (1) Each cartridge of nitrous oxide dispensed or 2833
distributed in this state shall bear the following printed 2834
warning: 2835

"Nitrous oxide cartridges are to be used only for purposes 2836
of preparing food. Nitrous oxide cartridges may not be sold to 2837
persons under age twenty-one. Do not inhale contents. Misuse can 2838
be dangerous to your health." 2839

(2) Each time a person dispenses or distributes one or 2840
more cartridges of nitrous oxide, the person shall mark the 2841
packaging containing the cartridges with a label or other device 2842
that identifies the person who dispensed or distributed the 2843
nitrous oxide and the person's business address. 2844

Sec. 2925.33. (A) As used in this section, "motor 2845
vehicle," "street," and "highway" have the same meanings as in 2846
section 4511.01 of the Revised Code. 2847

(B) Unless authorized under Chapter 3719., 4715., 4729., 2848

4731., 4741., or 4765. of the Revised Code, no person shall 2849
knowingly possess an open cartridge of nitrous oxide in either 2850
of the following circumstances: 2851

(1) While operating or being a passenger in or on a motor 2852
vehicle on a street, highway, or other public or private 2853
property open to the public for purposes of vehicular traffic or 2854
parking; 2855

(2) While being in or on a stationary motor vehicle on a 2856
street, highway, or other public or private property open to the 2857
public for purposes of vehicular traffic or parking. 2858

(C) Whoever violates this section is guilty of possessing 2859
nitrous oxide in a motor vehicle, a misdemeanor of the fourth 2860
degree. 2861

~~(D) In addition to any other sanction imposed upon an 2862
offender for possessing nitrous oxide in a motor vehicle, the 2863
court may suspend for not more than five years the offender's 2864
driver's or commercial driver's license or permit. 2865~~

Sec. 2925.36. (A) No person shall knowingly furnish 2866
another a sample drug. 2867

(B) Division (A) of this section does not apply to 2868
manufacturers, wholesalers, pharmacists, owners of pharmacies, 2869
licensed health professionals authorized to prescribe drugs, and 2870
other persons whose conduct is in accordance with Chapters 2871
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 2872
the Revised Code. 2873

(C) (1) Whoever violates this section is guilty of illegal 2874
dispensing of drug samples. The penalty for the offense shall be 2875
determined as follows: 2876

(2) If the drug involved in the offense is a compound, 2877
mixture, preparation, or substance included in schedule I or II, 2878
with the exception of ~~marihuana~~marijuana, ~~the penalty for the~~ 2879
~~offense shall be determined as follows:~~ 2880

~~(a) Except as otherwise provided in division (C) (2) (b) of~~ 2881
~~this section,~~ illegal dispensing of drug samples is a felony of 2882
the fifth degree, ~~and, subject to division (E) of this section,~~ 2883
~~division (C) of section 2929.13 of the Revised Code applies in~~ 2884
~~determining whether to impose a prison term on the offender.~~ 2885

~~(b) If the offense was committed in the vicinity of a~~ 2886
~~school or in the vicinity of a juvenile,~~ illegal dispensing of 2887
drug samples is a felony of the fourth degree, ~~and, subject to~~ 2888
~~division (E) of this section,~~ ~~division (C) of section 2929.13 of~~ 2889
~~the Revised Code applies in determining whether to impose a~~ 2890
~~prison term on the offender.~~ 2891

(3) If the drug involved in the offense is a dangerous 2892
drug or a compound, mixture, preparation, or substance included 2893
in schedule III, IV, or V, or is ~~marihuana~~marijuana, ~~the penalty~~ 2894
~~for the offense shall be determined as follows:~~ 2895

~~(a) Except as otherwise provided in division (C) (3) (b) of~~ 2896
~~this section,~~ illegal dispensing of drug samples is a 2897
misdemeanor of the second degree. 2898

~~(b) If the offense was committed in the vicinity of a~~ 2899
~~school or in the vicinity of a juvenile,~~ illegal dispensing of 2900
drug samples is a misdemeanor of the first degree. 2901

~~(D) (1) In addition to any prison term authorized or~~ 2902
~~required by division (C) or (E) of this section and sections~~ 2903
~~2929.13 and 2929.14 of the Revised Code and in addition to any~~ 2904
~~other sanction imposed for the offense under this section or~~ 2905

~~sections 2929.11 to 2929.18 of the Revised Code, the court that~~ 2906
~~sentences an offender who is convicted of or pleads guilty to a~~ 2907
~~violation of division (A) of this section may suspend for not~~ 2908
~~more than five years the offender's driver's or commercial~~ 2909
~~driver's license or permit. However, if the offender pleaded~~ 2910
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2911
~~the Revised Code or a substantially similar municipal ordinance~~ 2912
~~or the law of another state or the United States arising out of~~ 2913
~~the same set of circumstances as the violation, the court shall~~ 2914
~~suspend the offender's driver's or commercial driver's license~~ 2915
~~or permit for not more than five years.~~ 2916

If the offender is a professionally licensed person, in 2917
addition to any other sanction imposed for a violation of this 2918
section, the court immediately shall comply with section 2925.38 2919
of the Revised Code. 2920

~~(2) Any offender who received a mandatory suspension of~~ 2921
~~the offender's driver's or commercial driver's license or permit~~ 2922
~~under this section prior to September 13, 2016, may file a~~ 2923
~~motion with the sentencing court requesting the termination of~~ 2924
~~the suspension. However, an offender who pleaded guilty to or~~ 2925
~~was convicted of a violation of section 4511.19 of the Revised~~ 2926
~~Code or a substantially similar municipal ordinance or law of~~ 2927
~~another state or the United States that arose out of the same~~ 2928
~~set of circumstances as the violation for which the offender's~~ 2929
~~license or permit was suspended under this section shall not~~ 2930
~~file such a motion.~~ 2931

~~Upon the filing of a motion under division (D) (2) of this~~ 2932
~~section, the sentencing court, in its discretion, may terminate~~ 2933
~~the suspension.~~ 2934

~~(E) Notwithstanding the prison term authorized or required~~ 2935

~~by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, if the violation of division (A) of this section involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term otherwise authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.~~

~~(F) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.~~

Sec. 2925.37. (A) No person shall knowingly possess any counterfeit controlled substance.

(B) No person shall knowingly make, sell, offer to sell, or deliver any substance that the person knows is a counterfeit controlled substance.

(C) No person shall knowingly make, possess, sell, offer to sell, or deliver any punch, die, plate, stone, or other device knowing or having reason to know that it will be used to print or reproduce a trademark, trade name, or other identifying mark upon a counterfeit controlled substance.

~~(D) No person shall sell, offer to sell, give, or deliver
any counterfeit controlled substance to a juvenile.~~ 2966
2967

~~(E) No person shall directly or indirectly represent a
counterfeit controlled substance as a controlled substance by
describing its effects as the physical or psychological effects
associated with use of a controlled substance.~~ 2968
2969
2970
2971

~~(F)~~ No person shall knowingly directly or indirectly 2972
falsely represent or advertise a counterfeit controlled 2973
substance as a controlled substance. As used in this division, 2974
"advertise" means engaging in "advertisement," as defined in 2975
section 3715.01 of the Revised Code. 2976

~~(G)~~ (E) Whoever violates division (A) of this section is 2977
guilty of possession of counterfeit controlled substances, a 2978
misdemeanor of the first degree. 2979

~~(H)~~ (F) Whoever violates division (B) or (C) of this 2980
section is guilty of trafficking in counterfeit controlled 2981
substances. ~~Except as otherwise provided in this division,
trafficking in counterfeit controlled substances is,~~ a felony of 2982
2983
the fifth degree, ~~and division (C) of section 2929.13 of the~~ 2984
Revised Code applies in determining whether to impose a prison 2985
term on the offender. If the offense was committed in the 2986
vicinity of a school or in the vicinity of a juvenile, ~~2987~~
trafficking in counterfeit controlled substances is a felony of 2988
the fourth degree, ~~and division (C) of section 2929.13 of the~~ 2989
Revised Code applies in determining whether to impose a prison 2990
term on the offender. 2991

~~(I) Whoever violates division (D) of this section is
guilty of aggravated trafficking in counterfeit controlled
substances. Except as otherwise provided in this division,~~ 2992
2993
2994

~~aggravated trafficking in counterfeit controlled substances is a
felony of the fourth degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender.~~ 2995
2996
2997
2998

~~(J) Whoever violates division (E) of this section is
guilty of promoting and encouraging drug abuse. Except as
otherwise provided in this division, promoting and encouraging
drug abuse is a felony of the fifth degree, and division (C) of
section 2929.13 of the Revised Code applies in determining
whether to impose a prison term on the offender. If the offense
was committed in the vicinity of a school or in the vicinity of
a juvenile, promoting and encouraging drug abuse is a felony of
the fourth degree, and division (C) of section 2929.13 of the
Revised Code applies in determining whether to impose a prison
term on the offender.~~ 2999
3000
3001
3002
3003
3004
3005
3006
3007
3008
3009

~~(K)(G) Whoever violates division (F)(D) of this section
is guilty of fraudulent drug advertising. Except as otherwise
provided in this division, fraudulent drug advertising is, a
felony of the fifth degree, and division (C) of section 2929.13
of the Revised Code applies in determining whether to impose a
prison term on the offender. If the offense was committed in the
vicinity of a school or in the vicinity of a juvenile,
fraudulent drug advertising is a felony of the fourth degree,
and division (C) of section 2929.13 of the Revised Code applies
in determining whether to impose a prison term on the offender.~~ 3010
3011
3012
3013
3014
3015
3016
3017
3018
3019

~~(L) (1) In addition to any prison term authorized or
required by divisions (H) to (K) of this section and sections
2929.13 and 2929.14 of the Revised Code and in addition to any
other sanction imposed for the offense under this section or
sections 2929.11 to 2929.18 of the Revised Code, the court that~~ 3020
3021
3022
3023
3024

~~sentences an offender who is convicted of or pleads guilty to a
violation of division (B), (C), (D), (E), or (F) of this section
may suspend for not more than five years the offender's driver's
or commercial driver's license or permit. However, if the
offender pleaded guilty to or was convicted of a violation of
section 4511.19 of the Revised Code or a substantially similar
municipal ordinance or the law of another state or the United
States arising out of the same set of circumstances as the
violation, the court shall suspend the offender's driver's or
commercial driver's license or permit for not more than five
years.~~ 3025
3026
3027
3028
3029
3030
3031
3032
3033
3034
3035

(H) If the offender is a professionally licensed person,
in addition to any other sanction imposed for a violation of
this section, the court immediately shall comply with section
2925.38 of the Revised Code. 3036
3037
3038
3039

~~(2) Any offender who received a mandatory suspension of
the offender's driver's or commercial driver's license or permit
under this section prior to the effective date of this
amendment may file a motion with the sentencing court requesting
the termination of the suspension. However, an offender who
pleaded guilty to or was convicted of a violation of section
4511.19 of the Revised Code or a substantially similar municipal
ordinance or law of another state or the United States that
arose out of the same set of circumstances as the violation for
which the offender's license or permit was suspended under this
section shall not file such a motion.~~ 3040
3041
3042
3043
3044
3045
3046
3047
3048
3049
3050

~~Upon the filing of a motion under division (L) (2) of this
section, the sentencing court, in its discretion, may terminate
the suspension.~~ 3051
3052
3053

~~(M) Notwithstanding any contrary provision of section~~ 3054

~~3719.21 of the Revised Code, the clerk of the court shall pay a fine imposed for a violation of this section pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code.~~

Sec. 2925.38. If a person who is convicted of or pleads guilty to a violation of section 2925.02, 2925.021, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, ~~2925.11, 2925.12, 2925.061, 2925.07, 2925.08,~~ 2925.13, 2925.14, ~~2925.141,~~ 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code is a professionally licensed person, in addition to any other sanctions imposed for the violation, the court, except as otherwise provided in this section, immediately shall transmit a certified copy of the judgment entry of conviction to the regulatory or licensing board or agency that has the administrative authority to suspend or revoke the offender's professional license. If the professionally licensed person who is convicted of or pleads guilty to a violation of any section listed in this section is a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, in addition to any other sanctions imposed for the violation, the court immediately shall transmit a certified copy of the judgment entry of conviction to the secretary of the board of commissioners on grievances and discipline of the supreme court and to either the disciplinary counsel or the president, secretary, and chairperson of each certified grievance committee.

Sec. 2925.42. (A) If a person is convicted of or pleads guilty to a felony drug abuse offense, or a juvenile is found by

a juvenile court to be a delinquent child for an act that, if 3086
committed by an adult, would be a felony drug abuse offense, and 3087
derives profits or other proceeds from the offense or act, the 3088
court that imposes sentence or an order of disposition ~~upon~~on 3089
the offender or delinquent child, in lieu of any fine that the 3090
court is otherwise authorized or required to impose, may impose 3091
~~upon~~on the offender or delinquent child a fine of not more than 3092
twice the gross profits or other proceeds so derived. 3093

(B) Notwithstanding any contrary provision of section 3094
3719.21 of the Revised Code, all fines imposed ~~pursuant to~~under 3095
this section shall be paid by the clerk of the court to the 3096
county, municipal corporation, township, park district, as 3097
created ~~pursuant to~~under section 511.18 or 1545.01 of the 3098
Revised Code, or state law enforcement agencies in this state 3099
that were primarily responsible for or involved in making the 3100
arrest of, and in prosecuting, the offender. ~~However, no fine so-~~ 3101
~~imposed shall be paid to a law enforcement agency unless the~~ 3102
~~agency has adopted a written internal control policy under~~ 3103
~~division (F) (2) of section 2925.03 of the Revised Code that~~ 3104
~~addresses the use of the fine moneys that it receives under this~~ 3105
~~division and division (F) (1) of section 2925.03 of the Revised~~ 3106
~~Code. The fines imposed and paid pursuant to~~under this division 3107
shall be used by the law enforcement agencies to subsidize their 3108
efforts pertaining to drug offenses, ~~in accordance with the~~ 3109
~~written internal control policy adopted by the recipient agency~~ 3110
~~under division (F) (2) of section 2925.03 of the Revised Code.~~ 3111

(C) As used in this section: 3112

(1) "Law enforcement agencies" includes, but is not 3113
limited to, the state board of pharmacy and the office of a 3114
prosecutor. 3115

(2) "Prosecutor" has the same meaning as in section 3116
2935.01 of the Revised Code. 3117

Sec. 2925.50. If a violation of any prohibition in this 3118
chapter is a violation of the federal drug abuse control laws, 3119
as defined in section 3719.01 of the Revised Code, a conviction 3120
or acquittal under the federal drug abuse control laws for the 3121
same act is a bar to prosecution in this state. 3122

Sec. 2925.51. (A) In any criminal prosecution for a 3123
violation of any prohibition in this chapter or Chapter 3719. of 3124
the Revised Code that is based on the possession of chemicals 3125
sufficient to produce a compound, mixture, preparation, or 3126
substance included in schedule I, II, III, IV, or V or the 3127
content, identity, and weight or the existence and number of 3128
unit dosages of the substance, a laboratory report ~~from~~ is prima 3129
facie evidence of the content, identity, and weight or the 3130
existence and number of unit dosages of the substance if the 3131
report satisfies all of the following requirements: 3132

(1) The report is produced by the bureau of criminal 3133
identification and investigation, a laboratory operated by 3134
another law enforcement agency, or a laboratory established by 3135
or under the authority of an institution of higher education 3136
that has its main campus in this state ~~and that~~ which is 3137
accredited by the association of American universities or the 3138
north central association of colleges and secondary schools, 3139
primarily for the purpose of providing scientific services to 3140
law enforcement agencies~~and~~; 3141

(2) The report is signed by the person performing the 3142
analysis, stating that the substance that is the basis of the 3143
alleged offense has been weighed and analyzed~~and~~, stating the 3144
findings as to the content, weight, and identity of the 3145

substance, and stating that it contains any amount of a 3146
controlled substance and the number and description of unit 3147
dosages, ~~is prima facie evidence of the content, identity, and~~ 3148
~~weight or the existence and number of unit dosages of the~~ 3149
substance. In any criminal prosecution for a violation of 3150
section 2925.041 of the Revised Code or a violation of this 3151
chapter or Chapter 3719. of the Revised Code that is based on 3152
the possession of chemicals sufficient to produce a compound, 3153
mixture, preparation, or substance included in schedule I, II, 3154
III, IV, or V, a laboratory report from the bureau or from any 3155
laboratory that is operated or established as described in this 3156
division that is signed by the person performing the analysis, 3157
stating that the substances that are the basis of the alleged 3158
offense have been weighed and analyzed and stating the findings 3159
as to the content, weight, and identity of each of the 3160
substances, ~~is prima facie evidence of the content, identity,~~ 3161
and weight of the substances. 3162

~~Attached to that~~ (3) The report shall be has attached to 3163
it a copy of a notarized statement by the signer of the report 3164
~~giving demonstrating~~ the name of the signer and stating, that 3165
the signer is an employee of the laboratory issuing the report, 3166
and that performing the analysis is a part of the signer's 3167
regular duties, ~~and giving.~~ The attached report shall provide an 3168
an outline of the signer's education, training, and experience 3169
for performing an analysis of materials included under this 3170
section. The signer shall attest that scientifically accepted 3171
tests were performed with due caution, and that the evidence was 3172
handled in accordance with established and accepted procedures 3173
while in the custody of the laboratory. 3174

(B) The prosecuting attorney shall serve a copy of the 3175
report on the attorney of record for the accused, or on the 3176

accused if the accused has no attorney, prior to any proceeding 3177
in which the report is to be used against the accused other than 3178
at a preliminary hearing or grand jury proceeding where the 3179
report may be used without having been previously served upon 3180
the accused. 3181

(C) ~~The report shall not be prima facie evidence of the~~ 3182
~~contents, identity, and weight or the existence and number of~~ 3183
~~unit dosages of the substance if~~ If the accused or the accused's 3184
attorney demands the testimony of the person signing the report, 3185
by serving the demand upon the prosecuting attorney within seven 3186
days ~~from~~ after the accused or the accused's ~~attorney's receipt~~ 3187
~~of attorney receives~~ the report, the report shall not be prima 3188
facie evidence of the contents, identity, and weight or the 3189
existence and number of unit dosages of the substance. The time 3190
may be extended by a trial judge in the interests of justice. 3191

(D) Any report issued for use under this section shall 3192
contain notice of the right of the accused to demand, and the 3193
manner in which the accused shall demand, the testimony of the 3194
person signing the report. 3195

(E) (1) Any person who is accused of a violation of any 3196
prohibition in this chapter or ~~of~~ Chapter 3719. of the Revised 3197
Code is entitled, upon written request made to the prosecuting 3198
attorney, to have a portion of ~~the~~ any substance that is, ~~or of~~ 3199
~~each of the substances that are,~~ the basis of the alleged 3200
violation preserved for the benefit of independent analysis 3201
performed by a laboratory analyst employed by the accused 3202
person, or, if the accused is indigent, by a qualified 3203
laboratory analyst appointed by the court. ~~Such~~ 3204

(2) Any portion of any substance that is preserved under 3205
division (E) (1) of this section shall be a representative sample 3206

of ~~the entire~~ any substance that is, ~~or of each of the~~ 3207
~~substances that are,~~ the basis of the alleged violation and 3208
shall be of sufficient size, in the opinion of the court, to 3209
permit the accused's analyst to make a thorough scientific 3210
analysis concerning the identity of the substance or substances. 3211

(3) The prosecuting attorney shall provide the accused's 3212
analyst with the sample portion at least fourteen days prior to 3213
trial, unless the trial is to be held in a court not of record 3214
or unless the accused ~~person~~ is charged with a minor 3215
misdemeanor, in which case the prosecuting attorney shall 3216
provide the accused's analyst with the sample portion at least 3217
three days prior to trial. If the prosecuting attorney 3218
determines that such a sample portion cannot be preserved and 3219
given to the accused's analyst, the prosecuting attorney shall 3220
so inform the accused ~~person~~ or his the accused's attorney. In 3221
such a circumstance, the accused ~~person~~ is entitled, upon 3222
written request made to the prosecuting attorney, to have the 3223
accused's privately employed or court appointed analyst present 3224
at an analysis of ~~the~~ any substance that is, ~~or the substances~~ 3225
~~that are,~~ the basis of the alleged violation, and, upon further 3226
written request, to receive copies of all recorded scientific 3227
data that result from the analysis and that can be used by an 3228
analyst in arriving at conclusions, findings, or opinions 3229
concerning the identity of the substance or substances subject 3230
to the analysis. 3231

(F) In addition to the rights provided under division (E) 3232
of this section, any person ~~who is~~ accused of a violation of any 3233
prohibition in this chapter or ~~of~~ Chapter 3719. of the Revised 3234
Code that involves ~~a~~ the bulk amount or more of a controlled 3235
substance, ~~or any multiple thereof,~~ or who is accused of a 3236
violation of section ~~2925.11~~ 2925.041 of the Revised Code, other 3237

than a minor misdemeanor violation, that involves 3238
~~marihuana~~marijuana, is entitled, upon written request made to 3239
the prosecuting attorney, to have a laboratory analyst of the 3240
accused's choice, or, if the accused is indigent, a qualified 3241
laboratory analyst appointed by the court, present at a 3242
measurement or weighing of the substance that is the basis of 3243
the alleged violation. Also, the accused ~~person~~ is entitled, 3244
upon further written request, to receive copies of all recorded 3245
scientific data that result from the measurement or weighing and 3246
that can be used by an analyst in arriving at conclusions, 3247
findings, or opinions concerning the weight, volume, or number 3248
of unit doses of the substance ~~subject to the measurement or~~ 3249
~~weighing.~~ 3250

Sec. 2925.52. (A) If a person is charged with a violation 3251
of section ~~2925.041~~2925.061 of the Revised Code or with any 3252
violation of this chapter or Chapter 3719. of the Revised Code 3253
that is based on the possession of chemicals sufficient to 3254
produce methamphetamine, the law enforcement agency that has 3255
custody of the chemicals may file a motion with the court in 3256
which the charges are pending requesting the court to order the 3257
chemicals destroyed in accordance with this division. If a law 3258
enforcement agency files a motion of that type with a court, the 3259
court may issue an order that requires the containers in which 3260
the chemicals are contained be photographed, orders the 3261
chemicals forfeited, and requires that the chemicals be 3262
destroyed. 3263

(B) If the court issues an order under division (A) of 3264
this section, the court may include in the order a requirement 3265
that a sample of the chemicals be ~~sampled taken~~ prior to their 3266
destruction and that the samples be preserved. 3267

Sec. 2925.55. (A) As used in sections 2925.55 to 2925.58	3268
<u>2925.57</u> of the Revised Code:	3269
(1) "Consumer product" means any food or drink that is	3270
consumed or used by humans and any drug, including a drug that	3271
may be provided legally only pursuant to a prescription, that is	3272
intended to be consumed or used by humans.	3273
(2) "Terminal distributor of dangerous drugs" has the same	3274
meaning as in section 4729.01 of the Revised Code.	3275
(3) "Pseudoephedrine" means any material, compound,	3276
mixture, or preparation that contains any quantity of	3277
pseudoephedrine, any of its salts, optical isomers, or salts of	3278
optical isomers.	3279
(4) "Pseudoephedrine product" means a consumer product	3280
that contains pseudoephedrine.	3281
(5) "Retailer" means a place of business that offers	3282
consumer products for sale to the general public.	3283
(6) "Single-ingredient preparation" means a compound,	3284
mixture, preparation, or substance that contains a single active	3285
ingredient.	3286
(7) "Ephedrine" means any material, compound, mixture, or	3287
preparation that contains any quantity of ephedrine, any of its	3288
salts, optical isomers, or salts of optical isomers.	3289
(8) "Ephedrine product" means a consumer product that	3290
contains ephedrine.	3291
(B) (1) No <u>(a) Except as provided in division (B) (2) of</u>	3292
<u>this section, no individual shall knowingly purchase, receive,</u>	3293
<u>or otherwise acquire an amount of pseudoephedrine product or</u>	3294
<u>ephedrine product that contains an amount of base</u>	3295

pseudoephedrine or base ephedrine that is greater than either of 3296
the following ~~unless the pseudoephedrine product or ephedrine-~~ 3297
~~product is dispensed by a pharmacist pursuant to a valid-~~ 3298
~~prescription issued by a licensed health professional authorized-~~ 3299
~~to prescribe drugs and the conduct of the pharmacist and the~~ 3300
~~licensed health professional authorized to prescribe drugs is in~~ 3301
~~accordance with Chapter 3719., 4715., 4723., 4729., 4730.,~~ 3302
~~4731., or 4741. of the Revised Code:~~ 3303

~~(a)(i)~~ Three and six tenths grams within a period of a 3304
single day; 3305

~~(b)(ii)~~ Nine grams within a period of thirty consecutive 3306
days. 3307

(b) The ~~limits~~ maximum amounts specified in divisions (B) 3308
(1) (a) (i) and ~~(b)(ii)~~ of this section ~~apply to the total amount-~~ 3309
~~of base pseudoephedrine or base ephedrine in the pseudoephedrine-~~ 3310
~~product or ephedrine product, respectively. The limits do not~~ 3311
apply to the product's overall weight. 3312

(2) (a) It is not a violation of division (B) (1) of this 3313
section for an individual to receive or accept more than an 3314
amount of pseudoephedrine product or ephedrine product specified 3315
in division (B) (1) (a) (i) or ~~(b)(ii)~~ of this section if the 3316
individual is an employee of a retailer or terminal distributor 3317
of dangerous drugs, and the employee receives or accepts from 3318
the retailer or terminal distributor of dangerous drugs the 3319
pseudoephedrine product or ephedrine product in a sealed 3320
container in connection with manufacturing, warehousing, 3321
placement, stocking, bagging, loading, or unloading of the 3322
product. 3323

(b) It is not a violation of division (B) (1) of this 3324

section for an individual to purchase, receive, or otherwise 3325
acquire an amount of pseudoephedrine product or ephedrine 3326
product that is greater than the maximum amounts specified in 3327
divisions (B) (1) (a) (i) and (ii) of this section if the 3328
pseudoephedrine product or ephedrine product is dispensed by a 3329
pharmacist under a valid prescription issued by a licensed 3330
health professional authorized to prescribe drugs and the 3331
conduct of the pharmacist and the licensed health professional 3332
authorized to prescribe drugs is in accordance with Chapter 3333
3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the 3334
Revised Code. 3335

(C) (1) ~~No~~ Except as otherwise provided in division (C) (2) 3336
of this section, no individual under eighteen years of age shall 3337
knowingly purchase, receive, or otherwise acquire a 3338
pseudoephedrine product or ephedrine product ~~unless the~~ 3339
~~pseudoephedrine product or ephedrine product is dispensed by a~~ 3340
~~pharmacist pursuant to a valid prescription issued by a licensed~~ 3341
~~health professional authorized to prescribe drugs and the~~ 3342
~~conduct of the pharmacist and the licensed health professional~~ 3343
~~authorized to prescribe drugs is in accordance with Chapter~~ 3344
~~3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the~~ 3345
~~Revised Code.~~ 3346

(2) (a) Division (C) (1) of this section does not apply to 3347
an individual under eighteen years of age who purchases, 3348
receives, or otherwise acquires a pseudoephedrine product or 3349
ephedrine product from any of the following: 3350

~~(a)~~ (i) A licensed health professional authorized to 3351
prescribe drugs or pharmacist who dispenses, sells, or otherwise 3352
provides the pseudoephedrine product or ephedrine product to 3353
that individual and whose conduct is in accordance with Chapter 3354

3719., 4715., 4723., 4729., 4730., 4731., or 4741. of the 3355
Revised Code; 3356

~~(b)~~ (ii) A parent or guardian of that individual who 3357
provides the pseudoephedrine product or ephedrine product to the 3358
individual; 3359

~~(c)~~ (iii) A person, as authorized by that individual's 3360
parent or guardian, who dispenses, sells, or otherwise provides 3361
the pseudoephedrine product or ephedrine product to the 3362
individual; 3363

~~(d)~~ (iv) A retailer or terminal distributor of dangerous 3364
drugs who provides the pseudoephedrine product or ephedrine 3365
product to that individual if the individual is an employee of 3366
the retailer or terminal distributor of dangerous drugs and the 3367
individual receives or accepts from the retailer or terminal 3368
distributor of dangerous drugs the pseudoephedrine product or 3369
ephedrine product in a sealed container in connection with 3370
manufacturing, warehousing, placement, stocking, bagging, 3371
loading, or unloading of the product. 3372

(b) Division (C) (1) of this section does not apply to an 3373
individual under eighteen years of age who purchases, receives, 3374
or otherwise acquires a pseudoephedrine product or ephedrine 3375
product if the pseudoephedrine product or ephedrine product is 3376
dispensed by a pharmacist under a valid prescription issued by a 3377
licensed health professional authorized to prescribe drugs and 3378
the conduct of the pharmacist and the licensed health 3379
professional authorized to prescribe drugs is in accordance with 3380
Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of 3381
the Revised Code. 3382

(D) No individual under eighteen years of age shall 3383

knowingly show or give false information concerning the 3384
individual's name, age, or other identification for the purpose 3385
of purchasing, receiving, or otherwise acquiring a 3386
pseudoephedrine product or ephedrine product. 3387

(E) No individual shall knowingly fail to comply with the 3388
requirements of division (B) of section 3715.051 of the Revised 3389
Code. 3390

(F) Whoever violates division (B) (1) of this section is 3391
guilty of unlawful purchase of a pseudoephedrine product or 3392
ephedrine product, a misdemeanor of the first degree. 3393

(G) Whoever violates division (C) (1) of this section is 3394
guilty of underage purchase of a pseudoephedrine product or 3395
ephedrine product, a delinquent act that would be a misdemeanor 3396
of the fourth degree if it could be committed by an adult. 3397

(H) Whoever violates division (D) of this section is 3398
guilty of using false information to purchase a pseudoephedrine 3399
product or ephedrine product, a delinquent act that would be a 3400
misdemeanor of the first degree if it could be committed by an 3401
adult. 3402

(I) Whoever violates division (E) of this section is 3403
guilty of improper purchase of a pseudoephedrine product or 3404
ephedrine product, a misdemeanor of the fourth degree. 3405

Sec. 2925.56. (A) (1) (a) Except as provided in division (A) 3406
(2) of this section, no retailer or terminal distributor of 3407
dangerous drugs or an employee of a retailer or terminal 3408
distributor of dangerous drugs shall knowingly sell, ~~offer to~~ 3409
~~sell,~~ hold for sale, deliver, or otherwise provide to any 3410
individual an amount of pseudoephedrine product or ephedrine 3411
product that is greater than either of the following: 3412

~~(a)(i)~~ Three and six-tenths grams of base pseudoephedrine 3413
or base ephedrine in the pseudoephedrine product or ephedrine 3414
product within a period of a single day; 3415

~~(b)(ii)~~ Nine grams of base pseudoephedrine or base 3416
ephedrine in the pseudoephedrine product or ephedrine product 3417
within a period of thirty consecutive days. 3418

(b) The maximum amounts specified in divisions (A) (1) (a) 3419
(i) and ~~(b)(ii)~~ of this section apply to the total amount of 3420
~~base pseudoephedrine or base ephedrine in the pseudoephedrine~~ 3421
~~product or ephedrine product, respectively. The maximum amounts~~ 3422
do not apply to the product's overall weight. 3423

(2) (a) Division (A) (1) of this section does not apply to 3424
any quantity of pseudoephedrine product or ephedrine product 3425
dispensed by a pharmacist ~~pursuant to~~ under a valid prescription 3426
issued by a licensed health professional authorized to prescribe 3427
drugs if the conduct of the pharmacist and the licensed health 3428
professional authorized to prescribe drugs is in accordance with 3429
Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. of 3430
the Revised Code. 3431

(b) It is not a violation of division (A) (1) of this 3432
section for a retailer, terminal distributor of dangerous drugs, 3433
or employee of either to provide to an individual more than an 3434
amount of pseudoephedrine product or ephedrine product specified 3435
in division (A) (1) (a) (i) or ~~(b)(ii)~~ of this section under either 3436
of the following circumstances: 3437

(i) The individual is an employee of the retailer or 3438
terminal distributor of dangerous drugs, and the employee 3439
receives or accepts from the retailer, terminal distributor of 3440
dangerous drugs, or employee the pseudoephedrine product or 3441

ephedrine product in a sealed container in connection with 3442
manufacturing, warehousing, placement, stocking, bagging, 3443
loading, or unloading of the product; 3444

(ii) A stop-sale alert is generated after the submission 3445
of information to the national precursor log exchange under the 3446
conditions described in division (A) (2) of section 3715.052 of 3447
the Revised Code. 3448

(B) (1) Except as provided in division (B) (2) of this 3449
section, no retailer or terminal distributor of dangerous drugs 3450
or an employee of a retailer or terminal distributor of 3451
dangerous drugs shall knowingly sell, ~~offer to sell,~~ hold for 3452
sale, deliver, or otherwise provide a pseudoephedrine product or 3453
ephedrine product to an individual who is under eighteen years 3454
of age. 3455

(2) Division (B) (1) of this section does not apply to any 3456
of the following: 3457

(a) A licensed health professional authorized to prescribe 3458
drugs or pharmacist who dispenses, sells, or otherwise provides 3459
a pseudoephedrine product or ephedrine product to an individual 3460
under eighteen years of age and whose conduct is in accordance 3461
with Chapter 3719., 4715., 4723., 4729., 4730., 4731., or 4741. 3462
of the Revised Code; 3463

(b) A parent or guardian of an individual under eighteen 3464
years of age who provides a pseudoephedrine product or ephedrine 3465
product to the individual; 3466

(c) A person who, as authorized by the individual's parent 3467
or guardian, dispenses, sells, or otherwise provides a 3468
pseudoephedrine product or ephedrine product to an individual 3469
under eighteen years of age; 3470

(d) The provision by a retailer, terminal distributor of 3471
dangerous drugs, or employee of either of a pseudoephedrine 3472
product or ephedrine product in a sealed container to an 3473
employee of the retailer or terminal distributor of dangerous 3474
drugs who is under eighteen years of age in connection with 3475
manufacturing, warehousing, placement, stocking, bagging, 3476
loading, or unloading of the product. 3477

(C) No retailer or terminal distributor of dangerous drugs 3478
shall knowingly fail to comply with the requirements of division 3479
(A) of section 3715.051 or division (A) (2) of section 3715.052 3480
of the Revised Code. 3481

(D) No retailer or terminal distributor of dangerous drugs 3482
shall knowingly fail to comply with the requirements of division 3483
(A) (1) of section 3715.052 of the Revised Code. 3484

(E) Whoever violates division (A) (1) of this section is 3485
guilty of unlawfully selling a pseudoephedrine product or 3486
ephedrine product, a misdemeanor of the first degree. 3487

(F) Whoever violates division (B) (1) of this section is 3488
guilty of unlawfully selling a pseudoephedrine product or 3489
ephedrine product to a minor, a misdemeanor of the fourth 3490
degree. 3491

(G) Whoever violates division (C) of this section is 3492
guilty of improper sale of a pseudoephedrine product or 3493
ephedrine product, a misdemeanor of the second degree. 3494

(H) Whoever violates division (D) of this section is 3495
guilty of failing to submit information to the national 3496
precursor log exchange, a misdemeanor for which the offender 3497
shall be fined not more than one thousand dollars per violation. 3498

(I) It is an affirmative defense to a charge of a 3499

violation of this section for a seller or an agent or employee 3500
of a seller, where the age of the purchaser or other recipient 3501
of a pseudoephedrine product is an element of the alleged 3502
violation, if the seller, agent, or employee proves that all of 3503
the following occurred: 3504

(1) A card holder attempting to purchase or receive a 3505
pseudoephedrine product presented a driver's or commercial 3506
driver's license or an identification card; 3507

(2) A transaction scan of the driver's or commercial 3508
driver's license or identification card that the card holder 3509
presented indicated that the license or card was valid; 3510

(3) The pseudoephedrine product was sold, given away, or 3511
otherwise distributed to the card holder in reasonable reliance 3512
upon the identification presented and the completed transaction 3513
scan. 3514

(J) In determining whether a seller or an agent or 3515
employee of a seller has proven the affirmative defense under 3516
division (I) of this section, the trier of fact in the action 3517
for the alleged violation shall consider any written policy that 3518
the seller has adopted and implemented and that is intended to 3519
prevent violations of this section. For purposes of division (I) 3520
(3) of this section, the trier of fact shall consider that 3521
reasonable reliance upon the identification presented and the 3522
completed transaction scan may require a seller or an agent or 3523
employee of a seller to exercise reasonable diligence to 3524
determine, and that the use of a transaction scan device does 3525
not excuse a seller or an agent or employee of a seller from 3526
exercising reasonable diligence to determine, the following: 3527

(1) Whether a person to whom the seller or agent or 3528

employee of a seller sells, gives away, or otherwise distributes 3529
a pseudoephedrine product is eighteen years of age or older; 3530

(2) Whether the description and picture appearing on the 3531
driver's or commercial driver's license or identification card 3532
presented by a card holder is that of the card holder. 3533

(K) In any criminal action in which the affirmative 3534
defense provided by division (I) of this section is raised, the 3535
registrar of motor vehicles or a deputy registrar who issued an 3536
identification card under section 4507.50 to 4507.52 of the 3537
Revised Code shall be permitted to submit certified copies of 3538
the records of that issuance in lieu of the testimony of the 3539
personnel of or contractors with the bureau of motor vehicles in 3540
the action. 3541

Sec. 2925.57. (A) As used in this section and section 3542
~~2925.58~~2925.56 of the Revised Code: 3543

(1) "Card holder" means any person who presents a driver's 3544
or commercial driver's license or an identification card to a 3545
seller, or an agent or employee of a seller, to purchase or 3546
receive any pseudoephedrine product or ephedrine product from 3547
the seller, agent, or employee. 3548

(2) "Identification card" and "transaction scan device" 3549
have the same meanings as in section 2927.021 of the Revised 3550
Code. 3551

(3) "Seller" means a retailer or terminal distributor of 3552
dangerous drugs. 3553

(4) "Transaction scan" means the process by which a seller 3554
or an agent or employee of a seller checks by means of a 3555
transaction scan device the validity of a driver's or commercial 3556
driver's license or an identification card that is presented as 3557

a condition for purchasing or receiving any pseudoephedrine 3558
product or ephedrine product. 3559

(B) (1) A seller or an agent or employee of a seller may 3560
perform a transaction scan by means of a transaction scan device 3561
to check the validity of a driver's or commercial driver's 3562
license or identification card presented by a card holder as a 3563
condition for selling, giving away, or otherwise distributing to 3564
the card holder a pseudoephedrine product or ephedrine product. 3565

(2) If the information deciphered by the transaction scan 3566
performed under division (B) (1) of this section fails to match 3567
the information printed on the driver's or commercial driver's 3568
license or identification card presented by the card holder, or 3569
if the transaction scan indicates that the information so 3570
printed is false or fraudulent, neither the seller nor any agent 3571
or employee of the seller shall sell, give away, or otherwise 3572
distribute any pseudoephedrine product or ephedrine product to 3573
the card holder. 3574

(3) Division (B) (1) of this section does not preclude a 3575
seller or an agent or employee of a seller as a condition for 3576
selling, giving away, or otherwise distributing a 3577
pseudoephedrine product or ephedrine product to the person 3578
presenting the document from using a transaction scan device to 3579
check the validity of a document other than a driver's or 3580
commercial driver's license or an identification card if the 3581
document includes a bar code or magnetic strip that may be 3582
scanned by the device. 3583

(C) Rules adopted by the registrar of motor vehicles under 3584
division (C) of section 4301.61 of the Revised Code apply to the 3585
use of transaction scan devices for purposes of this section and 3586
divisions (I) to (K) of section ~~2925.58~~ 2925.56 of the Revised 3587

Code. 3588

(D) (1) No seller or agent or employee of a seller shall 3589
knowingly electronically or mechanically record or maintain any 3590
information derived from a transaction scan, except the 3591
following: 3592

(a) The name, address, and date of birth of the person 3593
listed on the driver's or commercial driver's license or 3594
identification card presented by a card holder; 3595

(b) The expiration date, identification number, and 3596
issuing agency of the driver's or commercial driver's license or 3597
identification card presented by a card holder. 3598

(2) No seller or agent or employee of a seller shall 3599
knowingly use the information that is derived from a transaction 3600
scan or that is permitted to be recorded and maintained under 3601
division (D) (1) of this section except for purposes of divisions 3602
(I) to (K) of section ~~2925.58-2925.56~~ or division (A) (1) of 3603
section 3715.052 of the Revised Code. 3604

(3) No seller or agent or employee of a seller shall 3605
knowingly use a transaction scan device for a purpose other than 3606
the purpose specified in division (B) (1) of this section. 3607

(4) No seller or agent or employee of a seller shall 3608
knowingly sell or otherwise disseminate the information derived 3609
from a transaction scan to any third party, including, but not 3610
limited to, selling or otherwise disseminating that information 3611
for any marketing, advertising, or promotional activities, but a 3612
seller or agent or employee of a seller may release that 3613
information ~~pursuant to~~ under a court order or as specifically 3614
authorized by divisions (I) to (K) of section ~~2925.58-2925.56~~ or 3615
another section of the Revised Code. 3616

(E) Nothing in this section or in divisions (I) to (K) of 3617
section ~~2925.58~~2925.56 of the Revised Code relieves a seller or 3618
an agent or employee of a seller of any responsibility to comply 3619
with any other applicable state or federal laws or rules 3620
governing the sale, giving away, or other distribution of 3621
pseudoephedrine products or ephedrine products. 3622

(F) Whoever violates division (B) (2) or (D) of this 3623
section is guilty of engaging in an illegal pseudoephedrine 3624
product or ephedrine product transaction scan, and the court may 3625
impose upon the offender a civil penalty of up to one thousand 3626
dollars for each violation. The clerk of the court shall pay 3627
each collected civil penalty to the county treasurer for deposit 3628
into the county treasury. 3629

Sec. 2929.01. As used in this chapter: 3630

(A) (1) "Alternative residential facility" means, subject 3631
to division (A) (2) of this section, any facility other than an 3632
offender's home or residence in which an offender is assigned to 3633
live and that satisfies all of the following criteria: 3634

(a) It provides programs through which the offender may 3635
seek or maintain employment or may receive education, training, 3636
treatment, or habilitation. 3637

(b) It has received the appropriate license or certificate 3638
for any specialized education, training, treatment, 3639
habilitation, or other service that it provides from the 3640
government agency that is responsible for licensing or 3641
certifying that type of education, training, treatment, 3642
habilitation, or service. 3643

(2) "Alternative residential facility" does not include a 3644
community-based correctional facility, jail, halfway house, or 3645

prison. 3646

(B) "Basic probation supervision" means a requirement that 3647
the offender maintain contact with a person appointed to 3648
supervise the offender in accordance with sanctions imposed by 3649
the court or imposed by the parole board pursuant to section 3650
2967.28 of the Revised Code. "Basic probation supervision" 3651
includes basic parole supervision and basic post-release control 3652
supervision. 3653

(C) "Cocaine," "fentanyl-related compound," "hashish," 3654
"L.S.D.," and "unit dose" have the same meanings as in section 3655
2925.01 of the Revised Code. 3656

(D) "Community-based correctional facility" means a 3657
community-based correctional facility and program or district 3658
community-based correctional facility and program developed 3659
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 3660

(E) "Community control sanction" means a sanction that is 3661
not a prison term and that is described in section 2929.15, 3662
2929.16, 2929.17, or 2929.18 of the Revised Code or a sanction 3663
that is not a jail term and that is described in section 3664
2929.26, 2929.27, or 2929.28 of the Revised Code. "Community 3665
control sanction" includes probation if the sentence involved 3666
was imposed for a felony that was committed prior to July 1, 3667
1996, or if the sentence involved was imposed for a misdemeanor 3668
that was committed prior to January 1, 2004. 3669

(F) "Controlled substance," "~~marihuana~~ marijuana," 3670
"schedule I," and "schedule II" have the same meanings as in 3671
section 3719.01 of the Revised Code. 3672

(G) "Curfew" means a requirement that an offender during a 3673
specified period of time be at a designated place. 3674

(H) "Day reporting" means a sanction pursuant to which an offender is required each day to report to and leave a center or other approved reporting location at specified times in order to participate in work, education or training, treatment, and other approved programs at the center or outside the center.

(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code.

(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs.

(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment.

(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the commission of the offense. "Economic loss" does not include non-economic loss or any punitive or exemplary damages.

(M) "Education or training" includes study at, or in conjunction with a program offered by, a university, college, or

technical college or vocational study and also includes the 3704
completion of primary school, secondary school, and literacy 3705
curricula or their equivalent. 3706

(N) "Firearm" has the same meaning as in section 2923.11 3707
of the Revised Code. 3708

(O) "Halfway house" means a facility licensed by the 3709
division of parole and community services of the department of 3710
rehabilitation and correction pursuant to section 2967.14 of the 3711
Revised Code as a suitable facility for the care and treatment 3712
of adult offenders. 3713

(P) "House arrest" means a period of confinement of an 3714
offender that is in the offender's home or in other premises 3715
specified by the sentencing court or by the parole board 3716
pursuant to section 2967.28 of the Revised Code and during which 3717
all of the following apply: 3718

(1) The offender is required to remain in the offender's 3719
home or other specified premises for the specified period of 3720
confinement, except for periods of time during which the 3721
offender is at the offender's place of employment or at other 3722
premises as authorized by the sentencing court or by the parole 3723
board. 3724

(2) The offender is required to report periodically to a 3725
person designated by the court or parole board. 3726

(3) The offender is subject to any other restrictions and 3727
requirements that may be imposed by the sentencing court or by 3728
the parole board. 3729

(Q) "Intensive probation supervision" means a requirement 3730
that an offender maintain frequent contact with a person 3731
appointed by the court, or by the parole board pursuant to 3732

section 2967.28 of the Revised Code, to supervise the offender 3733
while the offender is seeking or maintaining necessary 3734
employment and participating in training, education, and 3735
treatment programs as required in the court's or parole board's 3736
order. "Intensive probation supervision" includes intensive 3737
parole supervision and intensive post-release control 3738
supervision. 3739

(R) "Jail" means a jail, workhouse, minimum security jail, 3740
or other residential facility used for the confinement of 3741
alleged or convicted offenders that is operated by a political 3742
subdivision or a combination of political subdivisions of this 3743
state. 3744

(S) "Jail term" means the term in a jail that a sentencing 3745
court imposes or is authorized to impose pursuant to section 3746
2929.24 or 2929.25 of the Revised Code or pursuant to any other 3747
provision of the Revised Code that authorizes a term in a jail 3748
for a misdemeanor conviction. 3749

(T) "Mandatory jail term" means the term in a jail that a 3750
sentencing court is required to impose pursuant to division (G) 3751
of section 1547.99 of the Revised Code, division (E) of section 3752
2903.06 or division (D) of section 2903.08 of the Revised Code, 3753
division (E) or (G) of section 2929.24 of the Revised Code, 3754
division (B) of section 4510.14 of the Revised Code, or division 3755
(G) of section 4511.19 of the Revised Code or pursuant to any 3756
other provision of the Revised Code that requires a term in a 3757
jail for a misdemeanor conviction. 3758

(U) "Delinquent child" has the same meaning as in section 3759
2152.02 of the Revised Code. 3760

(V) "License violation report" means a report that is made 3761

by a sentencing court, or by the parole board pursuant to 3762
section 2967.28 of the Revised Code, to the regulatory or 3763
licensing board or agency that issued an offender a professional 3764
license or a license or permit to do business in this state and 3765
that specifies that the offender has been convicted of or 3766
pleaded guilty to an offense that may violate the conditions 3767
under which the offender's professional license or license or 3768
permit to do business in this state was granted or an offense 3769
for which the offender's professional license or license or 3770
permit to do business in this state may be revoked or suspended. 3771

(W) "Major drug offender" means an offender who is 3772
convicted of or pleads guilty to ~~the possession of, sale of, or~~ 3773
~~offer to sell any drug, compound, mixture, preparation, or~~ 3774
~~substance that consists of or contains at least one thousand~~ 3775
~~grams of hashish; at least one hundred grams of cocaine; at~~ 3776
~~least one thousand unit doses or one hundred grams of heroin; at~~ 3777
~~least five thousand unit doses of L.S.D. or five hundred grams~~ 3778
~~of L.S.D. in a liquid concentrate, liquid extract, or liquid~~ 3779
~~distillate form; at least fifty grams of a controlled substance~~ 3780
~~analog; at least one thousand unit doses or one hundred grams of~~ 3781
~~a fentanyl-related compound; or at least one hundred times the~~ 3782
~~amount of any other schedule I or II controlled substance other~~ 3783
~~than marihuana that is necessary to commit a felony of the third~~ 3784
~~degree pursuant to a violation of section 2925.03, 2925.04,~~ 3785
~~2925.05, or 2925.11-2925.02 or 2925.07 of the Revised Code, or a~~ 3786
violation of a prohibition in any section in Chapter 3719. or 3787
4729. of the Revised Code that is based on the possession of, 3788
sale of, or offer to sell the controlled substance~~who the~~ 3789
section, or the penalty section for the violation, classifies as 3790
a major drug offender and who is subject to a mandatory prison 3791
term as a result of the conviction or guilty plea. 3792

(X) "Mandatory prison term" means any of the following: 3793

(1) Subject to division (X) (2) of this section, the term 3794
in prison that must be imposed for the offenses or circumstances 3795
set forth in divisions (F) (1) to (8) or (F) (12) to (21) of 3796
section 2929.13 and division (B) of section 2929.14 of the 3797
Revised Code. Except as provided in sections 2925.02, ~~2925.03,~~ 3798
~~2925.04,~~ 2925.05, 2925.06, and ~~2925.11~~2925.07 of the Revised 3799
Code, unless the maximum or another specific term is required 3800
under section 2929.14 or 2929.142 of the Revised Code, a 3801
mandatory prison term described in this division may be any 3802
prison term authorized for the level of offense except that if 3803
the offense is a felony of the first or second degree committed 3804
on or after the effective date of this amendment, a mandatory 3805
prison term described in this division may be one of the terms 3806
prescribed in division (A) (1) (a) or (2) (a) of section 2929.14 of 3807
the Revised Code, whichever is applicable, that is authorized as 3808
the minimum term for the offense. 3809

(2) The term of sixty or one hundred twenty days in prison 3810
that a sentencing court is required to impose for a third or 3811
fourth degree felony OVI offense pursuant to division (G) (2) of 3812
section 2929.13 and division (G) (1) (d) or (e) of section 4511.19 3813
of the Revised Code or the term of one, two, three, four, or 3814
five years in prison that a sentencing court is required to 3815
impose pursuant to division (G) (2) of section 2929.13 of the 3816
Revised Code. 3817

(3) The term in prison imposed pursuant to division (A) of 3818
section 2971.03 of the Revised Code for the offenses and in the 3819
circumstances described in division (F) (11) of section 2929.13 3820
of the Revised Code or pursuant to division (B) (1) (a), (b), or 3821
(c), (B) (2) (a), (b), or (c), or (B) (3) (a), (b), (c), or (d) of 3822

section 2971.03 of the Revised Code and that term as modified or 3823
terminated pursuant to section 2971.05 of the Revised Code. 3824

(Y) "Monitored time" means a period of time during which 3825
an offender continues to be under the control of the sentencing 3826
court or parole board, subject to no conditions other than 3827
leading a law-abiding life. 3828

(Z) "Offender" means a person who, in this state, is 3829
convicted of or pleads guilty to a felony or a misdemeanor. 3830

(AA) "Prison" means a residential facility used for the 3831
confinement of convicted felony offenders that is under the 3832
control of the department of rehabilitation and correction and 3833
includes a violation sanction center operated under authority of 3834
section 2967.141 of the Revised Code. 3835

(BB) (1) "Prison term" includes either of the following 3836
sanctions for an offender: 3837

(a) A stated prison term; 3838

(b) A term in a prison shortened by, or with the approval 3839
of, the sentencing court pursuant to section 2929.143, 2929.20, 3840
2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code. 3841

(2) With respect to a non-life felony indefinite prison 3842
term, references in any provision of law to a reduction of, or 3843
deduction from, the prison term mean a reduction in, or 3844
deduction from, the minimum term imposed as part of the 3845
indefinite term. 3846

(CC) "Repeat violent offender" means a person about whom 3847
both of the following apply: 3848

(1) The person is being sentenced for committing or for 3849
complicity in committing any of the following: 3850

(a) Aggravated murder, murder, any felony of the first or second degree that is an offense of violence, or an attempt to commit any of these offenses if the attempt is a felony of the first or second degree; 3851-3854

(b) An offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to an offense described in division (CC) (1) (a) of this section. 3855-3858

(2) The person previously was convicted of or pleaded guilty to an offense described in division (CC) (1) (a) or (b) of this section. 3859-3861

(DD) "Sanction" means any penalty imposed upon an offender who is convicted of or pleads guilty to an offense, as punishment for the offense. "Sanction" includes any sanction imposed pursuant to any provision of sections 2929.14 to 2929.18 or 2929.24 to 2929.28 of the Revised Code. 3862-3866

(EE) "Sentence" means the sanction or combination of sanctions imposed by the sentencing court on an offender who is convicted of or pleads guilty to an offense. 3867-3869

(FF) (1) "Stated prison term" means the prison term, mandatory prison term, or combination of all prison terms and mandatory prison terms imposed by the sentencing court pursuant to section 2929.14, 2929.142, or 2971.03 of the Revised Code or under section 2919.25 of the Revised Code. "Stated prison term" includes any credit received by the offender for time spent in jail awaiting trial, sentencing, or transfer to prison for the offense and any time spent under house arrest or house arrest with electronic monitoring imposed after earning credits pursuant to section 2967.193 of the Revised Code. If an offender 3870-3879

is serving a prison term as a risk reduction sentence under 3880
sections 2929.143 and 5120.036 of the Revised Code, "stated 3881
prison term" includes any period of time by which the prison 3882
term imposed upon the offender is shortened by the offender's 3883
successful completion of all assessment and treatment or 3884
programming pursuant to those sections. 3885

(2) As used in the definition of "stated prison term" set 3886
forth in division (FF)(1) of this section, a prison term is a 3887
definite prison term imposed under section 2929.14 of the 3888
Revised Code or any other provision of law, is the minimum and 3889
maximum prison terms under a non-life felony indefinite prison 3890
term, or is a term of life imprisonment except to the extent 3891
that the use of that definition in a section of the Revised Code 3892
clearly is not intended to include a term of life imprisonment. 3893
With respect to an offender sentenced to a non-life felony 3894
indefinite prison term, references in section 2967.191 or 3895
2967.193 of the Revised Code or any other provision of law to a 3896
reduction of, or deduction from, the offender's stated prison 3897
term or to release of the offender before the expiration of the 3898
offender's stated prison term mean a reduction in, or deduction 3899
from, the minimum term imposed as part of the indefinite term or 3900
a release of the offender before the expiration of that minimum 3901
term, references in section 2929.19 or 2967.28 of the Revised 3902
Code to a stated prison term with respect to a prison term 3903
imposed for a violation of a post-release control sanction mean 3904
the minimum term so imposed, and references in any provision of 3905
law to an offender's service of the offender's stated prison 3906
term or the expiration of the offender's stated prison term mean 3907
service or expiration of the minimum term so imposed plus any 3908
additional period of incarceration under the sentence that is 3909
required under section 2967.271 of the Revised Code. 3910

(GG) "Victim-offender mediation" means a reconciliation or mediation program that involves an offender and the victim of the offense committed by the offender and that includes a meeting in which the offender and the victim may discuss the offense, discuss restitution, and consider other sanctions for the offense.

(HH) "Fourth degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the fourth degree.

(II) "Mandatory term of local incarceration" means the term of sixty or one hundred twenty days in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility that a sentencing court may impose upon a person who is convicted of or pleads guilty to a fourth degree felony OVI offense pursuant to division (G)(1) of section 2929.13 of the Revised Code and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code.

(JJ) "Designated homicide, assault, or kidnapping offense," "violent sex offense," "sexual motivation specification," "sexually violent offense," "sexually violent predator," and "sexually violent predator specification" have the same meanings as in section 2971.01 of the Revised Code.

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender" have the same meanings as in section 2950.01 of the Revised Code.

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under

eighteen years of age, regardless of whether the offender knows 3940
the age of the child or whether the offender knows the offense 3941
is being committed within thirty feet of or within the same 3942
residential unit as the child and regardless of whether the 3943
child actually views the commission of the offense. 3944

(MM) "Family or household member" has the same meaning as 3945
in section 2919.25 of the Revised Code. 3946

(NN) "Motor vehicle" and "manufactured home" have the same 3947
meanings as in section 4501.01 of the Revised Code. 3948

(OO) "Detention" and "detention facility" have the same 3949
meanings as in section 2921.01 of the Revised Code. 3950

(PP) "Third degree felony OVI offense" means a violation 3951
of division (A) of section 4511.19 of the Revised Code that, 3952
under division (G) of that section, is a felony of the third 3953
degree. 3954

(QQ) "Random drug testing" has the same meaning as in 3955
section 5120.63 of the Revised Code. 3956

(RR) "Felony sex offense" has the same meaning as in 3957
section 2967.28 of the Revised Code. 3958

(SS) "Body armor" has the same meaning as in section 3959
2941.1411 of the Revised Code. 3960

(TT) "Electronic monitoring" means monitoring through the 3961
use of an electronic monitoring device. 3962

(UU) "Electronic monitoring device" means any of the 3963
following: 3964

(1) Any device that can be operated by electrical or 3965
battery power and that conforms with all of the following: 3966

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU) (1) (b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (UU) (1) (a) of this section, can transmit continuously those signals by a wireless or landline telephone connection to a central monitoring computer of the type described in division (UU) (1) (c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the device has been turned off or altered without prior court approval or otherwise tampered with. The device is designed specifically for use in electronic monitoring, is not a converted wireless phone or another tracking device that is clearly not designed for electronic monitoring, and provides a means of text-based or voice communication with the person.

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by a wireless or landline telephone connection by a receiver of the type

described in division (UU) (1) (b) of this section and can monitor 3998
continuously the person to whom an electronic monitoring device 3999
of the type described in division (UU) (1) (a) of this section is 4000
attached. 4001

(2) Any device that is not a device of the type described 4002
in division (UU) (1) of this section and that conforms with all 4003
of the following: 4004

(a) The device includes a transmitter and receiver that 4005
can monitor and determine the location of a subject person at 4006
any time, or at a designated point in time, through the use of a 4007
central monitoring computer or through other electronic means. 4008

(b) The device includes a transmitter and receiver that 4009
can determine at any time, or at a designated point in time, 4010
through the use of a central monitoring computer or other 4011
electronic means the fact that the transmitter is turned off or 4012
altered in any manner without prior approval of the court in 4013
relation to the electronic monitoring or without prior approval 4014
of the department of rehabilitation and correction in relation 4015
to the use of an electronic monitoring device for an inmate on 4016
transitional control or otherwise is tampered with. 4017

(3) Any type of technology that can adequately track or 4018
determine the location of a subject person at any time and that 4019
is approved by the director of rehabilitation and correction, 4020
including, but not limited to, any satellite technology, voice 4021
tracking system, or retinal scanning system that is so approved. 4022

(VV) "Non-economic loss" means nonpecuniary harm suffered 4023
by a victim of an offense as a result of or related to the 4024
commission of the offense, including, but not limited to, pain 4025
and suffering; loss of society, consortium, companionship, care, 4026

assistance, attention, protection, advice, guidance, counsel, 4027
instruction, training, or education; mental anguish; and any 4028
other intangible loss. 4029

(WW) "Prosecutor" has the same meaning as in section 4030
2935.01 of the Revised Code. 4031

(XX) "Continuous alcohol monitoring" means the ability to 4032
automatically test and periodically transmit alcohol consumption 4033
levels and tamper attempts at least every hour, regardless of 4034
the location of the person who is being monitored. 4035

(YY) A person is "adjudicated a sexually violent predator" 4036
if the person is convicted of or pleads guilty to a violent sex 4037
offense and also is convicted of or pleads guilty to a sexually 4038
violent predator specification that was included in the 4039
indictment, count in the indictment, or information charging 4040
that violent sex offense or if the person is convicted of or 4041
pleads guilty to a designated homicide, assault, or kidnapping 4042
offense and also is convicted of or pleads guilty to both a 4043
sexual motivation specification and a sexually violent predator 4044
specification that were included in the indictment, count in the 4045
indictment, or information charging that designated homicide, 4046
assault, or kidnapping offense. 4047

(ZZ) An offense is "committed in proximity to a school" if 4048
the offender commits the offense in a school safety zone or 4049
within five hundred feet of any school building or the 4050
boundaries of any school premises, regardless of whether the 4051
offender knows the offense is being committed in a school safety 4052
zone or within five hundred feet of any school building or the 4053
boundaries of any school premises. 4054

(AAA) "Human trafficking" means a scheme or plan to which 4055

all of the following apply: 4056

(1) Its object is one or more of the following: 4057

(a) To subject a victim or victims to involuntary 4058
servitude, as defined in section 2905.31 of the Revised Code or 4059
to compel a victim or victims to engage in sexual activity for 4060
hire, to engage in a performance that is obscene, sexually 4061
oriented, or nudity oriented, or to be a model or participant in 4062
the production of material that is obscene, sexually oriented, 4063
or nudity oriented; 4064

(b) To facilitate, encourage, or recruit a victim who is 4065
less than sixteen years of age or is a person with a 4066
developmental disability, or victims who are less than sixteen 4067
years of age or are persons with developmental disabilities, for 4068
any purpose listed in divisions (A) (2) (a) to (c) of section 4069
2905.32 of the Revised Code; 4070

(c) To facilitate, encourage, or recruit a victim who is 4071
sixteen or seventeen years of age, or victims who are sixteen or 4072
seventeen years of age, for any purpose listed in divisions (A) 4073
(2) (a) to (c) of section 2905.32 of the Revised Code, if the 4074
circumstances described in division (A) (5), (6), (7), (8), (9), 4075
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 4076
apply with respect to the person engaging in the conduct and the 4077
victim or victims. 4078

(2) It involves at least two felony offenses, whether or 4079
not there has been a prior conviction for any of the felony 4080
offenses, to which all of the following apply: 4081

(a) Each of the felony offenses is a violation of section 4082
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, 4083
division (A) (1) or (2) of section 2907.323, or division (B) (1), 4084

(2), (3), (4), or (5) of section 2919.22 of the Revised Code or 4085
is a violation of a law of any state other than this state that 4086
is substantially similar to any of the sections or divisions of 4087
the Revised Code identified in this division. 4088

(b) At least one of the felony offenses was committed in 4089
this state. 4090

(c) The felony offenses are related to the same scheme or 4091
plan and are not isolated instances. 4092

(BBB) "Material," "nudity," "obscene," "performance," and 4093
"sexual activity" have the same meanings as in section 2907.01 4094
of the Revised Code. 4095

(CCC) "Material that is obscene, sexually oriented, or 4096
nudity oriented" means any material that is obscene, that shows 4097
a person participating or engaging in sexual activity, 4098
masturbation, or bestiality, or that shows a person in a state 4099
of nudity. 4100

(DDD) "Performance that is obscene, sexually oriented, or 4101
nudity oriented" means any performance that is obscene, that 4102
shows a person participating or engaging in sexual activity, 4103
masturbation, or bestiality, or that shows a person in a state 4104
of nudity. 4105

(EEE) "Accelerant" means a fuel or oxidizing agent, such 4106
as an ignitable liquid, used to initiate a fire or increase the 4107
rate of growth or spread of a fire. 4108

(FFF) "Permanent disabling harm" means serious physical 4109
harm that results in permanent injury to the intellectual, 4110
physical, or sensory functions and that permanently and 4111
substantially impairs a person's ability to meet one or more of 4112
the ordinary demands of life, including the functions of caring 4113

for one's self, performing manual tasks, walking, seeing, 4114
hearing, speaking, breathing, learning, and working. 4115

(GGG) "Non-life felony indefinite prison term" means a 4116
prison term imposed under division (A)(1)(a) or (2)(a) of 4117
section 2929.14 and section 2929.144 of the Revised Code for a 4118
felony of the first or second degree committed on or after the 4119
effective date of this amendment. 4120

Sec. 2929.14. (A) Except as provided in division (B)(1), 4121
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 4122
(B)(10), ~~(B)(11)~~, (E), (G), (H), (J), or (K) of this section or 4123
in division (D)(6) of section 2919.25 of the Revised Code and 4124
except in relation to an offense for which a sentence of death 4125
or life imprisonment is to be imposed, if the court imposing a 4126
sentence upon an offender for a felony elects or is required to 4127
impose a prison term on the offender pursuant to this chapter, 4128
the court shall impose a prison term that shall be one of the 4129
following: 4130

(1)(a) For a felony of the first degree committed on or 4131
after the effective date of this amendment, the prison term 4132
shall be an indefinite prison term with a stated minimum term 4133
selected by the court of three, four, five, six, seven, eight, 4134
nine, ten, or eleven years and a maximum term that is determined 4135
pursuant to section 2929.144 of the Revised Code, except that if 4136
the section that criminalizes the conduct constituting the 4137
felony specifies a different minimum term or penalty for the 4138
offense, the specific language of that section shall control in 4139
determining the minimum term or otherwise sentencing the 4140
offender but the minimum term or sentence imposed under that 4141
specific language shall be considered for purposes of the 4142
Revised Code as if it had been imposed under this division. 4143

(b) For a felony of the first degree committed prior to 4144
the effective date of this amendment, the prison term shall be a 4145
definite prison term of three, four, five, six, seven, eight, 4146
nine, ten, or eleven years. 4147

(2) (a) For a felony of the second degree committed on or 4148
after the effective date of this amendment, the prison term 4149
shall be an indefinite prison term with a stated minimum term 4150
selected by the court of two, three, four, five, six, seven, or 4151
eight years and a maximum term that is determined pursuant to 4152
section 2929.144 of the Revised Code, except that if the section 4153
that criminalizes the conduct constituting the felony specifies 4154
a different minimum term or penalty for the offense, the 4155
specific language of that section shall control in determining 4156
the minimum term or otherwise sentencing the offender but the 4157
minimum term or sentence imposed under that specific language 4158
shall be considered for purposes of the Revised Code as if it 4159
had been imposed under this division. 4160

(b) For a felony of the second degree committed prior to 4161
the effective date of this amendment, the prison term shall be a 4162
definite term of two, three, four, five, six, seven, or eight 4163
years. 4164

(3) (a) For a felony of the third degree that is a 4165
violation of section 2903.06, 2903.08, 2907.03, 2907.04, 4166
2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised 4167
Code or that is a violation of section 2911.02 or 2911.12 of the 4168
Revised Code if the offender previously has been convicted of or 4169
pleaded guilty in two or more separate proceedings to two or 4170
more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 4171
of the Revised Code, the prison term shall be a definite term of 4172
twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, 4173

forty-eight, fifty-four, or sixty months. 4174

(b) For a felony of the third degree that is not an 4175
offense for which division (A) (3) (a) of this section applies, 4176
the prison term shall be a definite term of nine, twelve, 4177
eighteen, twenty-four, thirty, or thirty-six months. 4178

(4) For a felony of the fourth degree, the prison term 4179
shall be a definite term of six, seven, eight, nine, ten, 4180
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 4181
or eighteen months. 4182

(5) For a felony of the fifth degree, the prison term 4183
shall be a definite term of six, seven, eight, nine, ten, 4184
eleven, or twelve months. 4185

(B) (1) (a) Except as provided in division (B) (1) (e) of this 4186
section, if an offender who is convicted of or pleads guilty to 4187
a felony also is convicted of or pleads guilty to a 4188
specification of the type described in section 2941.141, 4189
2941.144, or 2941.145 of the Revised Code, the court shall 4190
impose on the offender one of the following prison terms: 4191

(i) A prison term of six years if the specification is of 4192
the type described in division (A) of section 2941.144 of the 4193
Revised Code that charges the offender with having a firearm 4194
that is an automatic firearm or that was equipped with a firearm 4195
muffler or suppressor on or about the offender's person or under 4196
the offender's control while committing the offense; 4197

(ii) A prison term of three years if the specification is 4198
of the type described in division (A) of section 2941.145 of the 4199
Revised Code that charges the offender with having a firearm on 4200
or about the offender's person or under the offender's control 4201
while committing the offense and displaying the firearm, 4202

brandishing the firearm, indicating that the offender possessed 4203
the firearm, or using it to facilitate the offense; 4204

(iii) A prison term of one year if the specification is of 4205
the type described in division (A) of section 2941.141 of the 4206
Revised Code that charges the offender with having a firearm on 4207
or about the offender's person or under the offender's control 4208
while committing the offense; 4209

(iv) A prison term of nine years if the specification is 4210
of the type described in division (D) of section 2941.144 of the 4211
Revised Code that charges the offender with having a firearm 4212
that is an automatic firearm or that was equipped with a firearm 4213
muffler or suppressor on or about the offender's person or under 4214
the offender's control while committing the offense and 4215
specifies that the offender previously has been convicted of or 4216
pleaded guilty to a specification of the type described in 4217
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4218
the Revised Code; 4219

(v) A prison term of fifty-four months if the 4220
specification is of the type described in division (D) of 4221
section 2941.145 of the Revised Code that charges the offender 4222
with having a firearm on or about the offender's person or under 4223
the offender's control while committing the offense and 4224
displaying the firearm, brandishing the firearm, indicating that 4225
the offender possessed the firearm, or using the firearm to 4226
facilitate the offense and that the offender previously has been 4227
convicted of or pleaded guilty to a specification of the type 4228
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 4229
2941.1412 of the Revised Code; 4230

(vi) A prison term of eighteen months if the specification 4231
is of the type described in division (D) of section 2941.141 of 4232

the Revised Code that charges the offender with having a firearm 4233
on or about the offender's person or under the offender's 4234
control while committing the offense and that the offender 4235
previously has been convicted of or pleaded guilty to a 4236
specification of the type described in section 2941.141, 4237
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 4238

(b) If a court imposes a prison term on an offender under 4239
division (B) (1) (a) of this section, the prison term shall not be 4240
reduced pursuant to section 2967.19, section 2929.20, section 4241
2967.193, or any other provision of Chapter 2967. or Chapter 4242
5120. of the Revised Code. Except as provided in division (B) (1) 4243
(g) of this section, a court shall not impose more than one 4244
prison term on an offender under division (B) (1) (a) of this 4245
section for felonies committed as part of the same act or 4246
transaction. 4247

(c) (i) Except as provided in division (B) (1) (e) of this 4248
section, if an offender who is convicted of or pleads guilty to 4249
a violation of section 2923.161 of the Revised Code or to a 4250
felony that includes, as an essential element, purposely or 4251
knowingly causing or attempting to cause the death of or 4252
physical harm to another, also is convicted of or pleads guilty 4253
to a specification of the type described in division (A) of 4254
section 2941.146 of the Revised Code that charges the offender 4255
with committing the offense by discharging a firearm from a 4256
motor vehicle other than a manufactured home, the court, after 4257
imposing a prison term on the offender for the violation of 4258
section 2923.161 of the Revised Code or for the other felony 4259
offense under division (A), (B) (2), or (B) (3) of this section, 4260
shall impose an additional prison term of five years upon the 4261
offender that shall not be reduced pursuant to section 2929.20, 4262
section 2967.19, section 2967.193, or any other provision of 4263

Chapter 2967. or Chapter 5120. of the Revised Code. 4264

(ii) Except as provided in division (B)(1)(e) of this 4265
section, if an offender who is convicted of or pleads guilty to 4266
a violation of section 2923.161 of the Revised Code or to a 4267
felony that includes, as an essential element, purposely or 4268
knowingly causing or attempting to cause the death of or 4269
physical harm to another, also is convicted of or pleads guilty 4270
to a specification of the type described in division (C) of 4271
section 2941.146 of the Revised Code that charges the offender 4272
with committing the offense by discharging a firearm from a 4273
motor vehicle other than a manufactured home and that the 4274
offender previously has been convicted of or pleaded guilty to a 4275
specification of the type described in section 2941.141, 4276
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 4277
the court, after imposing a prison term on the offender for the 4278
violation of section 2923.161 of the Revised Code or for the 4279
other felony offense under division (A), (B)(2), or (3) of this 4280
section, shall impose an additional prison term of ninety months 4281
upon the offender that shall not be reduced pursuant to section 4282
2929.20, 2967.19, 2967.193, or any other provision of Chapter 4283
2967. or Chapter 5120. of the Revised Code. 4284

(iii) A court shall not impose more than one additional 4285
prison term on an offender under division (B)(1)(c) of this 4286
section for felonies committed as part of the same act or 4287
transaction. If a court imposes an additional prison term on an 4288
offender under division (B)(1)(c) of this section relative to an 4289
offense, the court also shall impose a prison term under 4290
division (B)(1)(a) of this section relative to the same offense, 4291
provided the criteria specified in that division for imposing an 4292
additional prison term are satisfied relative to the offender 4293
and the offense. 4294

(d) If an offender who is convicted of or pleads guilty to an offense of violence that is a felony also is convicted of or pleads guilty to a specification of the type described in section 2941.1411 of the Revised Code that charges the offender with wearing or carrying body armor while committing the felony offense of violence, the court shall impose on the offender an additional prison term of two years. The prison term so imposed, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (1) (d) of this section for felonies committed as part of the same act or transaction. If a court imposes an additional prison term under division (B) (1) (a) or (c) of this section, the court is not precluded from imposing an additional prison term under division (B) (1) (d) of this section.

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

(i) The offender previously has been convicted of 4326
aggravated murder, murder, or any felony of the first or second 4327
degree. 4328

(ii) Less than five years have passed since the offender 4329
was released from prison or post-release control, whichever is 4330
later, for the prior offense. 4331

(f) (i) If an offender is convicted of or pleads guilty to 4332
a felony that includes, as an essential element, causing or 4333
attempting to cause the death of or physical harm to another and 4334
also is convicted of or pleads guilty to a specification of the 4335
type described in division (A) of section 2941.1412 of the 4336
Revised Code that charges the offender with committing the 4337
offense by discharging a firearm at a peace officer as defined 4338
in section 2935.01 of the Revised Code or a corrections officer, 4339
as defined in section 2941.1412 of the Revised Code, the court, 4340
after imposing a prison term on the offender for the felony 4341
offense under division (A), (B) (2), or (B) (3) of this section, 4342
shall impose an additional prison term of seven years upon the 4343
offender that shall not be reduced pursuant to section 2929.20, 4344
section 2967.19, section 2967.193, or any other provision of 4345
Chapter 2967. or Chapter 5120. of the Revised Code. 4346

(ii) If an offender is convicted of or pleads guilty to a 4347
felony that includes, as an essential element, causing or 4348
attempting to cause the death of or physical harm to another and 4349
also is convicted of or pleads guilty to a specification of the 4350
type described in division (B) of section 2941.1412 of the 4351
Revised Code that charges the offender with committing the 4352
offense by discharging a firearm at a peace officer, as defined 4353
in section 2935.01 of the Revised Code, or a corrections 4354
officer, as defined in section 2941.1412 of the Revised Code, 4355

and that the offender previously has been convicted of or 4356
pleaded guilty to a specification of the type described in 4357
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 4358
the Revised Code, the court, after imposing a prison term on the 4359
offender for the felony offense under division (A), (B) (2), or 4360
(3) of this section, shall impose an additional prison term of 4361
one hundred twenty-six months upon the offender that shall not 4362
be reduced pursuant to section 2929.20, 2967.19, 2967.193, or 4363
any other provision of Chapter 2967. or 5120. of the Revised 4364
Code. 4365

(iii) If an offender is convicted of or pleads guilty to 4366
two or more felonies that include, as an essential element, 4367
causing or attempting to cause the death or physical harm to 4368
another and also is convicted of or pleads guilty to a 4369
specification of the type described under division (B) (1) (f) of 4370
this section in connection with two or more of the felonies of 4371
which the offender is convicted or to which the offender pleads 4372
guilty, the sentencing court shall impose on the offender the 4373
prison term specified under division (B) (1) (f) of this section 4374
for each of two of the specifications of which the offender is 4375
convicted or to which the offender pleads guilty and, in its 4376
discretion, also may impose on the offender the prison term 4377
specified under that division for any or all of the remaining 4378
specifications. If a court imposes an additional prison term on 4379
an offender under division (B) (1) (f) of this section relative to 4380
an offense, the court shall not impose a prison term under 4381
division (B) (1) (a) or (c) of this section relative to the same 4382
offense. 4383

(g) If an offender is convicted of or pleads guilty to two 4384
or more felonies, if one or more of those felonies are 4385
aggravated murder, murder, attempted aggravated murder, 4386

attempted murder, aggravated robbery, felonious assault, or 4387
rape, and if the offender is convicted of or pleads guilty to a 4388
specification of the type described under division (B) (1) (a) of 4389
this section in connection with two or more of the felonies, the 4390
sentencing court shall impose on the offender the prison term 4391
specified under division (B) (1) (a) of this section for each of 4392
the two most serious specifications of which the offender is 4393
convicted or to which the offender pleads guilty and, in its 4394
discretion, also may impose on the offender the prison term 4395
specified under that division for any or all of the remaining 4396
specifications. 4397

(2) (a) If division (B) (2) (b) of this section does not 4398
apply, the court may impose on an offender, in addition to the 4399
longest prison term authorized or required for the offense or, 4400
for offenses for which division (A) (1) (a) or (2) (a) of this 4401
section applies, in addition to the longest minimum prison term 4402
authorized or required for the offense, an additional definite 4403
prison term of one, two, three, four, five, six, seven, eight, 4404
nine, or ten years if all of the following criteria are met: 4405

(i) The offender is convicted of or pleads guilty to a 4406
specification of the type described in section 2941.149 of the 4407
Revised Code that the offender is a repeat violent offender. 4408

(ii) The offense of which the offender currently is 4409
convicted or to which the offender currently pleads guilty is 4410
aggravated murder and the court does not impose a sentence of 4411
death or life imprisonment without parole, murder, terrorism and 4412
the court does not impose a sentence of life imprisonment 4413
without parole, any felony of the first degree that is an 4414
offense of violence and the court does not impose a sentence of 4415
life imprisonment without parole, or any felony of the second 4416

degree that is an offense of violence and the trier of fact 4417
finds that the offense involved an attempt to cause or a threat 4418
to cause serious physical harm to a person or resulted in 4419
serious physical harm to a person. 4420

(iii) The court imposes the longest prison term for the 4421
offense or the longest minimum prison term for the offense, 4422
whichever is applicable, that is not life imprisonment without 4423
parole. 4424

(iv) The court finds that the prison terms imposed 4425
pursuant to division (B) (2) (a) (iii) of this section and, if 4426
applicable, division (B) (1) or (3) of this section are 4427
inadequate to punish the offender and protect the public from 4428
future crime, because the applicable factors under section 4429
2929.12 of the Revised Code indicating a greater likelihood of 4430
recidivism outweigh the applicable factors under that section 4431
indicating a lesser likelihood of recidivism. 4432

(v) The court finds that the prison terms imposed pursuant 4433
to division (B) (2) (a) (iii) of this section and, if applicable, 4434
division (B) (1) or (3) of this section are demeaning to the 4435
seriousness of the offense, because one or more of the factors 4436
under section 2929.12 of the Revised Code indicating that the 4437
offender's conduct is more serious than conduct normally 4438
constituting the offense are present, and they outweigh the 4439
applicable factors under that section indicating that the 4440
offender's conduct is less serious than conduct normally 4441
constituting the offense. 4442

(b) The court shall impose on an offender the longest 4443
prison term authorized or required for the offense or, for 4444
offenses for which division (A) (1) (a) or (2) (a) of this section 4445
applies, the longest minimum prison term authorized or required 4446

for the offense, and shall impose on the offender an additional 4447
definite prison term of one, two, three, four, five, six, seven, 4448
eight, nine, or ten years if all of the following criteria are 4449
met: 4450

(i) The offender is convicted of or pleads guilty to a 4451
specification of the type described in section 2941.149 of the 4452
Revised Code that the offender is a repeat violent offender. 4453

(ii) The offender within the preceding twenty years has 4454
been convicted of or pleaded guilty to three or more offenses 4455
described in division (CC)(1) of section 2929.01 of the Revised 4456
Code, including all offenses described in that division of which 4457
the offender is convicted or to which the offender pleads guilty 4458
in the current prosecution and all offenses described in that 4459
division of which the offender previously has been convicted or 4460
to which the offender previously pleaded guilty, whether 4461
prosecuted together or separately. 4462

(iii) The offense or offenses of which the offender 4463
currently is convicted or to which the offender currently pleads 4464
guilty is aggravated murder and the court does not impose a 4465
sentence of death or life imprisonment without parole, murder, 4466
terrorism and the court does not impose a sentence of life 4467
imprisonment without parole, any felony of the first degree that 4468
is an offense of violence and the court does not impose a 4469
sentence of life imprisonment without parole, or any felony of 4470
the second degree that is an offense of violence and the trier 4471
of fact finds that the offense involved an attempt to cause or a 4472
threat to cause serious physical harm to a person or resulted in 4473
serious physical harm to a person. 4474

(c) For purposes of division (B)(2)(b) of this section, 4475
two or more offenses committed at the same time or as part of 4476

the same act or event shall be considered one offense, and that 4477
one offense shall be the offense with the greatest penalty. 4478

(d) A sentence imposed under division (B) (2) (a) or (b) of 4479
this section shall not be reduced pursuant to section 2929.20, 4480
section 2967.19, or section 2967.193, or any other provision of 4481
Chapter 2967. or Chapter 5120. of the Revised Code. The offender 4482
shall serve an additional prison term imposed under division (B) 4483
(2) (a) or (b) of this section consecutively to and prior to the 4484
prison term imposed for the underlying offense. 4485

(e) When imposing a sentence pursuant to division (B) (2) 4486
(a) or (b) of this section, the court shall state its findings 4487
explaining the imposed sentence. 4488

(3) Except when an offender commits a violation of section 4489
2903.01 or 2907.02 of the Revised Code and the penalty imposed 4490
for the violation is life imprisonment or commits a violation of 4491
section 2903.02 of the Revised Code, if the offender commits a 4492
violation of section ~~2925.03-2925.02~~ or ~~2925.11-2925.07~~ of the 4493
Revised Code and that section classifies the offender as a major 4494
drug offender, ~~if the offender commits a violation of section~~ 4495
~~2925.05 of the Revised Code and division (E) (1) of that section~~ 4496
~~classifies the offender as a major drug offender,~~ if the 4497
offender commits a felony violation of section ~~2925.02, 2925.04,~~ 4498
~~2925.05, 2925.36,~~ 3719.07, 3719.08, 3719.16, 3719.161, 4729.37, 4499
or 4729.61, division (C) or (D) of section 3719.172, division 4500
(E) of section 4729.51, or division (J) of section 4729.54 of 4501
the Revised Code that includes the sale, offer to sell, or 4502
possession of a schedule I or II controlled substance, with the 4503
exception of ~~marihuana~~ marijuana, and the court imposing sentence 4504
upon the offender finds that the offender is guilty of a 4505
specification of the type described in division (A) of section 4506

2941.1410 of the Revised Code charging that the offender is a 4507
major drug offender, if the court imposing sentence upon an 4508
offender for a felony finds that the offender is guilty of 4509
corrupt activity with the most serious offense in the pattern of 4510
corrupt activity being a felony of the first degree, or if the 4511
offender is guilty of an attempted violation of section 2907.02 4512
of the Revised Code and, had the offender completed the 4513
violation of section 2907.02 of the Revised Code that was 4514
attempted, the offender would have been subject to a sentence of 4515
life imprisonment or life imprisonment without parole for the 4516
violation of section 2907.02 of the Revised Code, the court 4517
shall impose upon the offender for the felony violation a 4518
mandatory prison term determined as described in this division 4519
that, subject to divisions (C) to (I) of section 2967.19 of the 4520
Revised Code, cannot be reduced pursuant to section 2929.20, 4521
section 2967.19, or any other provision of Chapter 2967. or 4522
5120. of the Revised Code. The mandatory prison term shall be 4523
the maximum definite prison term prescribed in division (A) (1) 4524
(b) of this section for a felony of the first degree, except 4525
that for offenses for which division (A) (1) (a) of this section 4526
applies, the mandatory prison term shall be the longest minimum 4527
prison term prescribed in that division for the offense. 4528

(4) If the offender is being sentenced for a third or 4529
fourth degree felony OVI offense under division (G) (2) of 4530
section 2929.13 of the Revised Code, the sentencing court shall 4531
impose upon the offender a mandatory prison term in accordance 4532
with that division. In addition to the mandatory prison term, if 4533
the offender is being sentenced for a fourth degree felony OVI 4534
offense, the court, notwithstanding division (A) (4) of this 4535
section, may sentence the offender to a definite prison term of 4536
not less than six months and not more than thirty months, and if 4537

the offender is being sentenced for a third degree felony OVI 4538
offense, the sentencing court may sentence the offender to an 4539
additional prison term of any duration specified in division (A) 4540
(3) of this section. In either case, the additional prison term 4541
imposed shall be reduced by the sixty or one hundred twenty days 4542
imposed upon the offender as the mandatory prison term. The 4543
total of the additional prison term imposed under division (B) 4544
(4) of this section plus the sixty or one hundred twenty days 4545
imposed as the mandatory prison term shall equal a definite term 4546
in the range of six months to thirty months for a fourth degree 4547
felony OVI offense and shall equal one of the authorized prison 4548
terms specified in division (A) (3) of this section for a third 4549
degree felony OVI offense. If the court imposes an additional 4550
prison term under division (B) (4) of this section, the offender 4551
shall serve the additional prison term after the offender has 4552
served the mandatory prison term required for the offense. In 4553
addition to the mandatory prison term or mandatory and 4554
additional prison term imposed as described in division (B) (4) 4555
of this section, the court also may sentence the offender to a 4556
community control sanction under section 2929.16 or 2929.17 of 4557
the Revised Code, but the offender shall serve all of the prison 4558
terms so imposed prior to serving the community control 4559
sanction. 4560

If the offender is being sentenced for a fourth degree 4561
felony OVI offense under division (G) (1) of section 2929.13 of 4562
the Revised Code and the court imposes a mandatory term of local 4563
incarceration, the court may impose a prison term as described 4564
in division (A) (1) of that section. 4565

(5) If an offender is convicted of or pleads guilty to a 4566
violation of division (A) (1) or (2) of section 2903.06 of the 4567
Revised Code and also is convicted of or pleads guilty to a 4568

specification of the type described in section 2941.1414 of the Revised Code that charges that the victim of the offense is a peace officer, as defined in section 2935.01 of the Revised Code, or an investigator of the bureau of criminal identification and investigation, as defined in section 2903.11 of the Revised Code, the court shall impose on the offender a prison term of five years. If a court imposes a prison term on an offender under division (B) (5) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (5) of this section for felonies committed as part of the same act.

(6) If an offender is convicted of or pleads guilty to a violation of division (A) (1) or (2) of section 2903.06 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1415 of the Revised Code that charges that the offender previously has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, the court shall impose on the offender a prison term of three years. If a court imposes a prison term on an offender under division (B) (6) of this section, the prison term, subject to divisions (C) to (I) of section 2967.19 of the Revised Code, shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the

Revised Code. A court shall not impose more than one prison term 4600
on an offender under division (B)(6) of this section for 4601
felonies committed as part of the same act. 4602

(7)(a) If an offender is convicted of or pleads guilty to 4603
a felony violation of section 2905.01, 2905.02, 2907.21, 4604
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 4605
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 4606
section 2919.22 of the Revised Code and also is convicted of or 4607
pleads guilty to a specification of the type described in 4608
section 2941.1422 of the Revised Code that charges that the 4609
offender knowingly committed the offense in furtherance of human 4610
trafficking, the court shall impose on the offender a mandatory 4611
prison term that is one of the following: 4612

(i) If the offense is a felony of the first degree, a 4613
definite prison term of not less than five years and not greater 4614
than eleven years, except that if the offense is a felony of the 4615
first degree committed on or after the effective date of this 4616
amendment, the court shall impose as the minimum prison term a 4617
mandatory term of not less than five years and not greater than 4618
eleven years; 4619

(ii) If the offense is a felony of the second or third 4620
degree, a definite prison term of not less than three years and 4621
not greater than the maximum prison term allowed for the offense 4622
by division (A)(2)(b) or (3) of this section, except that if the 4623
offense is a felony of the second degree committed on or after 4624
the effective date of this amendment, the court shall impose as 4625
the minimum prison term a mandatory term of not less than three 4626
years and not greater than eight years; 4627

(iii) If the offense is a felony of the fourth or fifth 4628
degree, a definite prison term that is the maximum prison term 4629

allowed for the offense by division (A) of section 2929.14 of 4630
the Revised Code. 4631

(b) Subject to divisions (C) to (I) of section 2967.19 of 4632
the Revised Code, the prison term imposed under division (B) (7) 4633
(a) of this section shall not be reduced pursuant to section 4634
2929.20, section 2967.19, section 2967.193, or any other 4635
provision of Chapter 2967. of the Revised Code. A court shall 4636
not impose more than one prison term on an offender under 4637
division (B) (7) (a) of this section for felonies committed as 4638
part of the same act, scheme, or plan. 4639

(8) If an offender is convicted of or pleads guilty to a 4640
felony violation of section 2903.11, 2903.12, or 2903.13 of the 4641
Revised Code and also is convicted of or pleads guilty to a 4642
specification of the type described in section 2941.1423 of the 4643
Revised Code that charges that the victim of the violation was a 4644
woman whom the offender knew was pregnant at the time of the 4645
violation, notwithstanding the range prescribed in division (A) 4646
of this section as the definite prison term or minimum prison 4647
term for felonies of the same degree as the violation, the court 4648
shall impose on the offender a mandatory prison term that is 4649
either a definite prison term of six months or one of the prison 4650
terms prescribed in division (A) of this section for felonies of 4651
the same degree as the violation, except that if the violation 4652
is a felony of the first or second degree committed on or after 4653
the effective date of this amendment, the court shall impose as 4654
the minimum prison term under division (A) (1) (a) or (2) (a) of 4655
this section a mandatory term that is one of the terms 4656
prescribed in that division, whichever is applicable, for the 4657
offense. 4658

(9) (a) If an offender is convicted of or pleads guilty to 4659

a violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1425 of the Revised Code, the court shall impose on the offender a mandatory prison term of six years if either of the following applies:

(i) The violation is a violation of division (A) (1) of section 2903.11 of the Revised Code and the specification charges that the offender used an accelerant in committing the violation and the serious physical harm to another or to another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity;

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

(b) If a court imposes a prison term on an offender under division (B) (9) (a) of this section, the prison term shall not be reduced pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. A court shall not impose more than one prison term on an offender under division (B) (9) of this section for felonies committed as part of the same act.

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

(10) If an offender is convicted of or pleads guilty to a violation of division (A) of section 2903.11 of the Revised Code and also is convicted of or pleads guilty to a specification of the type described in section 2941.1426 of the Revised Code that charges that the victim of the offense suffered permanent disabling harm as a result of the offense and that the victim was under ten years of age at the time of the offense, regardless of whether the offender knew the age of the victim, the court shall impose upon the offender an additional definite prison term of six years. A prison term imposed on an offender under division (B) (10) of this section shall not be reduced pursuant to section 2929.20, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code. If a court imposes an additional prison term on an offender under this division relative to a violation of division (A) of section 2903.11 of the Revised Code, the court shall not impose any other additional prison term on the offender relative to the same offense.

~~(11) If an offender is convicted of or pleads guilty to a felony violation of section 2925.03 or 2925.05 of the Revised Code or a felony violation of section 2925.11 of the Revised Code for which division (C) (11) of that section applies in determining the sentence for the violation, if the drug involved in the violation is a fentanyl related compound or a compound, mixture, preparation, or substance containing a fentanyl related compound, and if the offender also is convicted of or pleads guilty to a specification of the type described in division (B) of section 2941.1410 of the Revised Code that charges that the offender is a major drug offender, in addition to any other penalty imposed for the violation, the court shall impose on the offender a mandatory prison term of three, four, five, six,~~

~~seven, or eight years. If a court imposes a prison term on an
offender under division (B) (11) of this section, the prison
term, subject to divisions (C) to (I) of section 2967.19 of the
Revised Code, shall not be reduced pursuant to section 2929.20,
2967.19, or 2967.193, or any other provision of Chapter 2967. or
5120. of the Revised Code. A court shall not impose more than
one prison term on an offender under division (B) (11) of this
section for felonies committed as part of the same act.~~

(C) (1) (a) Subject to division (C) (1) (b) of this section,
if a mandatory prison term is imposed ~~upon~~ on an offender
~~pursuant to~~ under division (B) (1) (a) of this section for having
a firearm on or about the offender's person or under the
offender's control while committing a felony, if a mandatory
prison term is imposed upon an offender pursuant to division (B)
(1) (c) of this section for committing a felony specified in that
division by discharging a firearm from a motor vehicle, or if
both types of mandatory prison terms are imposed, the offender
shall serve any mandatory prison term imposed under either
division consecutively to any other mandatory prison term
imposed under either division or under division (B) (1) (d) of
this section, consecutively to and prior to any prison term
imposed for the underlying felony pursuant to division (A), (B)
(2), or (B) (3) of this section or any other section of the
Revised Code, and consecutively to any other prison term or
mandatory prison term previously or subsequently imposed upon
the offender.

(b) If a mandatory prison term is imposed upon an offender
pursuant to division (B) (1) (d) of this section for wearing or
carrying body armor while committing an offense of violence that
is a felony, the offender shall serve the mandatory term so
imposed consecutively to any other mandatory prison term imposed

under that division or under division (B) (1) (a) or (c) of this 4752
section, consecutively to and prior to any prison term imposed 4753
for the underlying felony under division (A), (B) (2), or (B) (3) 4754
of this section or any other section of the Revised Code, and 4755
consecutively to any other prison term or mandatory prison term 4756
previously or subsequently imposed upon the offender. 4757

(c) If a mandatory prison term is imposed upon an offender 4758
pursuant to division (B) (1) (f) of this section, the offender 4759
shall serve the mandatory prison term so imposed consecutively 4760
to and prior to any prison term imposed for the underlying 4761
felony under division (A), (B) (2), or (B) (3) of this section or 4762
any other section of the Revised Code, and consecutively to any 4763
other prison term or mandatory prison term previously or 4764
subsequently imposed upon the offender. 4765

(d) If a mandatory prison term is imposed upon an offender 4766
pursuant to division (B) (7) or (8) of this section, the offender 4767
shall serve the mandatory prison term so imposed consecutively 4768
to any other mandatory prison term imposed under that division 4769
or under any other provision of law and consecutively to any 4770
other prison term or mandatory prison term previously or 4771
subsequently imposed upon the offender. 4772

(e) If a mandatory prison term is imposed upon an offender 4773
pursuant to division (B) (10) of this section, the offender shall 4774
serve the mandatory prison term consecutively to any other 4775
mandatory prison term imposed under that division, consecutively 4776
to and prior to any prison term imposed for the underlying 4777
felony, and consecutively to any other prison term or mandatory 4778
prison term previously or subsequently imposed upon the 4779
offender. 4780

(2) If an offender who is an inmate in a jail, prison, or 4781

other residential detention facility violates section 2917.02, 4782
2917.03, or 2921.35 of the Revised Code or division (A) (1) or 4783
(2) of section 2921.34 of the Revised Code, if an offender who 4784
is under detention at a detention facility commits a felony 4785
violation of section 2923.131 of the Revised Code, or if an 4786
offender who is an inmate in a jail, prison, or other 4787
residential detention facility or is under detention at a 4788
detention facility commits another felony while the offender is 4789
an escapee in violation of division (A) (1) or (2) of section 4790
2921.34 of the Revised Code, any prison term imposed upon the 4791
offender for one of those violations shall be served by the 4792
offender consecutively to the prison term or term of 4793
imprisonment the offender was serving when the offender 4794
committed that offense and to any other prison term previously 4795
or subsequently imposed upon the offender. 4796

(3) If a prison term is imposed for a violation of 4797
division (B) of section 2911.01 of the Revised Code, a violation 4798
of division (A) of section 2913.02 of the Revised Code in which 4799
the stolen property is a firearm or dangerous ordnance, or a 4800
felony violation of division (B) of section 2921.331 of the 4801
Revised Code, the offender shall serve that prison term 4802
consecutively to any other prison term or mandatory prison term 4803
previously or subsequently imposed upon the offender. 4804

(4) If multiple prison terms are imposed on an offender 4805
for convictions of multiple offenses, the court may require the 4806
offender to serve the prison terms consecutively if the court 4807
finds that the consecutive service is necessary to protect the 4808
public from future crime or to punish the offender and that 4809
consecutive sentences are not disproportionate to the 4810
seriousness of the offender's conduct and to the danger the 4811
offender poses to the public, and if the court also finds any of 4812

the following: 4813

(a) The offender committed one or more of the multiple 4814
offenses while the offender was awaiting trial or sentencing, 4815
was under a sanction imposed pursuant to section 2929.16, 4816
2929.17, or 2929.18 of the Revised Code, or was under post- 4817
release control for a prior offense. 4818

(b) At least two of the multiple offenses were committed 4819
as part of one or more courses of conduct, and the harm caused 4820
by two or more of the multiple offenses so committed was so 4821
great or unusual that no single prison term for any of the 4822
offenses committed as part of any of the courses of conduct 4823
adequately reflects the seriousness of the offender's conduct. 4824

(c) The offender's history of criminal conduct 4825
demonstrates that consecutive sentences are necessary to protect 4826
the public from future crime by the offender. 4827

(5) If a mandatory prison term is imposed upon an offender 4828
pursuant to division (B) (5) or (6) of this section, the offender 4829
shall serve the mandatory prison term consecutively to and prior 4830
to any prison term imposed for the underlying violation of 4831
division (A) (1) or (2) of section 2903.06 of the Revised Code 4832
pursuant to division (A) of this section or section 2929.142 of 4833
the Revised Code. If a mandatory prison term is imposed upon an 4834
offender pursuant to division (B) (5) of this section, and if a 4835
mandatory prison term also is imposed upon the offender pursuant 4836
to division (B) (6) of this section in relation to the same 4837
violation, the offender shall serve the mandatory prison term 4838
imposed pursuant to division (B) (5) of this section 4839
consecutively to and prior to the mandatory prison term imposed 4840
pursuant to division (B) (6) of this section and consecutively to 4841
and prior to any prison term imposed for the underlying 4842

violation of division (A) (1) or (2) of section 2903.06 of the Revised Code pursuant to division (A) of this section or section 2929.142 of the Revised Code. 4843
4844
4845

(6) If a mandatory prison term is imposed on an offender pursuant to division (B) (9) of this section, the offender shall serve the mandatory prison term consecutively to and prior to any prison term imposed for the underlying violation of division (A) (1) or (2) of section 2903.11 of the Revised Code and consecutively to and prior to any other prison term or mandatory prison term previously or subsequently imposed on the offender. 4846
4847
4848
4849
4850
4851
4852

(7) If a mandatory prison term is imposed on an offender pursuant to division (B) (10) of this section, the offender shall serve that mandatory prison term consecutively to and prior to any prison term imposed for the underlying felonious assault. Except as otherwise provided in division (C) of this section, any other prison term or mandatory prison term previously or subsequently imposed upon the offender may be served concurrently with, or consecutively to, the prison term imposed pursuant to division (B) (10) of this section. 4853
4854
4855
4856
4857
4858
4859
4860
4861

(8) Any prison term imposed for a violation of section 2903.04 of the Revised Code that is based on a violation of section 2925.02, 2925.021, 2925.03, 2925.04, or 2925.11-2925.041 of the Revised Code or on a violation of section 2925.05-2925.07 of the Revised Code that is not funding of ~~marihuana~~ marijuana trafficking shall run consecutively to any prison term imposed for the violation of section 2925.02, 2925.021, 2925.03, 2925.04, or 2925.11-2925.041 of the Revised Code or for the violation of section 2925.05-2925.07 of the Revised Code that is not funding of ~~marihuana~~ marijuana trafficking. 4862
4863
4864
4865
4866
4867
4868
4869
4870
4871

(9) When consecutive prison terms are imposed pursuant to 4872

division (C) (1), (2), (3), (4), (5), (6), (7), or (8) or 4873
division (H) (1) or (2) of this section, subject to division (C) 4874
(8) of this section, the term to be served is the aggregate of 4875
all of the terms so imposed. 4876

(10) When a court sentences an offender to a non-life 4877
felony indefinite prison term, any definite prison term or 4878
mandatory definite prison term previously or subsequently 4879
imposed on the offender in addition to that indefinite sentence 4880
that is required to be served consecutively to that indefinite 4881
sentence shall be served prior to the indefinite sentence. 4882

(11) If a court is sentencing an offender for a felony of 4883
the first or second degree, if division (A) (1) (a) or (2) (a) of 4884
this section applies with respect to the sentencing for the 4885
offense, and if the court is required under the Revised Code 4886
section that sets forth the offense or any other Revised Code 4887
provision to impose a mandatory prison term for the offense, the 4888
court shall impose the required mandatory prison term as the 4889
minimum term imposed under division (A) (1) (a) or (2) (a) of this 4890
section, whichever is applicable. 4891

(D) (1) If a court imposes a prison term, other than a term 4892
of life imprisonment, for a felony of the first degree, for a 4893
felony of the second degree, for a felony sex offense, or for a 4894
felony of the third degree that is an offense of violence and 4895
that is not a felony sex offense, it shall include in the 4896
sentence a requirement that the offender be subject to a period 4897
of post-release control after the offender's release from 4898
imprisonment, in accordance with section 2967.28 of the Revised 4899
Code. If a court imposes a sentence including a prison term of a 4900
type described in this division on or after July 11, 2006, the 4901
failure of a court to include a post-release control requirement 4902

in the sentence pursuant to this division does not negate, 4903
limit, or otherwise affect the mandatory period of post-release 4904
control that is required for the offender under division (B) of 4905
section 2967.28 of the Revised Code. Section 2929.191 of the 4906
Revised Code applies if, prior to July 11, 2006, a court imposed 4907
a sentence including a prison term of a type described in this 4908
division and failed to include in the sentence pursuant to this 4909
division a statement regarding post-release control. 4910

(2) If a court imposes a prison term for a felony of the 4911
third, fourth, or fifth degree that is not subject to division 4912
(D)(1) of this section, it shall include in the sentence a 4913
requirement that the offender be subject to a period of post- 4914
release control after the offender's release from imprisonment, 4915
in accordance with that division, if the parole board determines 4916
that a period of post-release control is necessary. Section 4917
2929.191 of the Revised Code applies if, prior to July 11, 2006, 4918
a court imposed a sentence including a prison term of a type 4919
described in this division and failed to include in the sentence 4920
pursuant to this division a statement regarding post-release 4921
control. 4922

(E) The court shall impose sentence upon the offender in 4923
accordance with section 2971.03 of the Revised Code, and Chapter 4924
2971. of the Revised Code applies regarding the prison term or 4925
term of life imprisonment without parole imposed upon the 4926
offender and the service of that term of imprisonment if any of 4927
the following apply: 4928

(1) A person is convicted of or pleads guilty to a violent 4929
sex offense or a designated homicide, assault, or kidnapping 4930
offense, and, in relation to that offense, the offender is 4931
adjudicated a sexually violent predator. 4932

(2) A person is convicted of or pleads guilty to a 4933
violation of division (A) (1) (b) of section 2907.02 of the 4934
Revised Code committed on or after January 2, 2007, and either 4935
the court does not impose a sentence of life without parole when 4936
authorized pursuant to division (B) of section 2907.02 of the 4937
Revised Code, or division (B) of section 2907.02 of the Revised 4938
Code provides that the court shall not sentence the offender 4939
pursuant to section 2971.03 of the Revised Code. 4940

(3) A person is convicted of or pleads guilty to attempted 4941
rape committed on or after January 2, 2007, and a specification 4942
of the type described in section 2941.1418, 2941.1419, or 4943
2941.1420 of the Revised Code. 4944

(4) A person is convicted of or pleads guilty to a 4945
violation of section 2905.01 of the Revised Code committed on or 4946
after January 1, 2008, and that section requires the court to 4947
sentence the offender pursuant to section 2971.03 of the Revised 4948
Code. 4949

(5) A person is convicted of or pleads guilty to 4950
aggravated murder committed on or after January 1, 2008, and 4951
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 4952
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 4953
(d) of section 2929.03, or division (A) or (B) of section 4954
2929.06 of the Revised Code requires the court to sentence the 4955
offender pursuant to division (B) (3) of section 2971.03 of the 4956
Revised Code. 4957

(6) A person is convicted of or pleads guilty to murder 4958
committed on or after January 1, 2008, and division (B) (2) of 4959
section 2929.02 of the Revised Code requires the court to 4960
sentence the offender pursuant to section 2971.03 of the Revised 4961
Code. 4962

(F) If a person who has been convicted of or pleaded 4963
guilty to a felony is sentenced to a prison term or term of 4964
imprisonment under this section, sections 2929.02 to 2929.06 of 4965
the Revised Code, section 2929.142 of the Revised Code, section 4966
2971.03 of the Revised Code, or any other provision of law, 4967
section 5120.163 of the Revised Code applies regarding the 4968
person while the person is confined in a state correctional 4969
institution. 4970

(G) If an offender who is convicted of or pleads guilty to 4971
a felony that is an offense of violence also is convicted of or 4972
pleads guilty to a specification of the type described in 4973
section 2941.142 of the Revised Code that charges the offender 4974
with having committed the felony while participating in a 4975
criminal gang, the court shall impose upon the offender an 4976
additional prison term of one, two, or three years. 4977

(H) (1) If an offender who is convicted of or pleads guilty 4978
to aggravated murder, murder, or a felony of the first, second, 4979
or third degree that is an offense of violence also is convicted 4980
of or pleads guilty to a specification of the type described in 4981
section 2941.143 of the Revised Code that charges the offender 4982
with having committed the offense in a school safety zone or 4983
towards a person in a school safety zone, the court shall impose 4984
upon the offender an additional prison term of two years. The 4985
offender shall serve the additional two years consecutively to 4986
and prior to the prison term imposed for the underlying offense. 4987

(2) (a) If an offender is convicted of or pleads guilty to 4988
a felony violation of section 2907.22, 2907.24, 2907.241, or 4989
2907.25 of the Revised Code and to a specification of the type 4990
described in section 2941.1421 of the Revised Code and if the 4991
court imposes a prison term on the offender for the felony 4992

violation, the court may impose upon the offender an additional 4993
prison term as follows: 4994

(i) Subject to division (H) (2) (a) (ii) of this section, an 4995
additional prison term of one, two, three, four, five, or six 4996
months; 4997

(ii) If the offender previously has been convicted of or 4998
pleaded guilty to one or more felony or misdemeanor violations 4999
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 5000
the Revised Code and also was convicted of or pleaded guilty to 5001
a specification of the type described in section 2941.1421 of 5002
the Revised Code regarding one or more of those violations, an 5003
additional prison term of one, two, three, four, five, six, 5004
seven, eight, nine, ten, eleven, or twelve months. 5005

(b) In lieu of imposing an additional prison term under 5006
division (H) (2) (a) of this section, the court may directly 5007
impose on the offender a sanction that requires the offender to 5008
wear a real-time processing, continual tracking electronic 5009
monitoring device during the period of time specified by the 5010
court. The period of time specified by the court shall equal the 5011
duration of an additional prison term that the court could have 5012
imposed upon the offender under division (H) (2) (a) of this 5013
section. A sanction imposed under this division shall commence 5014
on the date specified by the court, provided that the sanction 5015
shall not commence until after the offender has served the 5016
prison term imposed for the felony violation of section 2907.22, 5017
2907.24, 2907.241, or 2907.25 of the Revised Code and any 5018
residential sanction imposed for the violation under section 5019
2929.16 of the Revised Code. A sanction imposed under this 5020
division shall be considered to be a community control sanction 5021
for purposes of section 2929.15 of the Revised Code, and all 5022

provisions of the Revised Code that pertain to community control 5023
sanctions shall apply to a sanction imposed under this division, 5024
except to the extent that they would by their nature be clearly 5025
inapplicable. The offender shall pay all costs associated with a 5026
sanction imposed under this division, including the cost of the 5027
use of the monitoring device. 5028

(I) At the time of sentencing, the court may recommend the 5029
offender for placement in a program of shock incarceration under 5030
section 5120.031 of the Revised Code or for placement in an 5031
intensive program prison under section 5120.032 of the Revised 5032
Code, disapprove placement of the offender in a program of shock 5033
incarceration or an intensive program prison of that nature, or 5034
make no recommendation on placement of the offender. In no case 5035
shall the department of rehabilitation and correction place the 5036
offender in a program or prison of that nature unless the 5037
department determines as specified in section 5120.031 or 5038
5120.032 of the Revised Code, whichever is applicable, that the 5039
offender is eligible for the placement. 5040

If the court disapproves placement of the offender in a 5041
program or prison of that nature, the department of 5042
rehabilitation and correction shall not place the offender in 5043
any program of shock incarceration or intensive program prison. 5044

If the court recommends placement of the offender in a 5045
program of shock incarceration or in an intensive program 5046
prison, and if the offender is subsequently placed in the 5047
recommended program or prison, the department shall notify the 5048
court of the placement and shall include with the notice a brief 5049
description of the placement. 5050

If the court recommends placement of the offender in a 5051
program of shock incarceration or in an intensive program prison 5052

and the department does not subsequently place the offender in 5053
the recommended program or prison, the department shall send a 5054
notice to the court indicating why the offender was not placed 5055
in the recommended program or prison. 5056

If the court does not make a recommendation under this 5057
division with respect to an offender and if the department 5058
determines as specified in section 5120.031 or 5120.032 of the 5059
Revised Code, whichever is applicable, that the offender is 5060
eligible for placement in a program or prison of that nature, 5061
the department shall screen the offender and determine if there 5062
is an available program of shock incarceration or an intensive 5063
program prison for which the offender is suited. If there is an 5064
available program of shock incarceration or an intensive program 5065
prison for which the offender is suited, the department shall 5066
notify the court of the proposed placement of the offender as 5067
specified in section 5120.031 or 5120.032 of the Revised Code 5068
and shall include with the notice a brief description of the 5069
placement. The court shall have ten days from receipt of the 5070
notice to disapprove the placement. 5071

(J) If a person is convicted of or pleads guilty to 5072
aggravated vehicular homicide in violation of division (A) (1) of 5073
section 2903.06 of the Revised Code and division (B) (2) (c) of 5074
that section applies, the person shall be sentenced pursuant to 5075
section 2929.142 of the Revised Code. 5076

(K) (1) The court shall impose an additional mandatory 5077
prison term of two, three, four, five, six, seven, eight, nine, 5078
ten, or eleven years on an offender who is convicted of or 5079
pleads guilty to a violent felony offense if the offender also 5080
is convicted of or pleads guilty to a specification of the type 5081
described in section 2941.1424 of the Revised Code that charges 5082

that the offender is a violent career criminal and had a firearm 5083
on or about the offender's person or under the offender's 5084
control while committing the presently charged violent felony 5085
offense and displayed or brandished the firearm, indicated that 5086
the offender possessed a firearm, or used the firearm to 5087
facilitate the offense. The offender shall serve the prison term 5088
imposed under this division consecutively to and prior to the 5089
prison term imposed for the underlying offense. The prison term 5090
shall not be reduced pursuant to section 2929.20 or 2967.19 or 5091
any other provision of Chapter 2967. or 5120. of the Revised 5092
Code. A court may not impose more than one sentence under 5093
division (B) (2) (a) of this section and this division for acts 5094
committed as part of the same act or transaction. 5095

(2) As used in division (K) (1) of this section, "violent 5096
career criminal" and "violent felony offense" have the same 5097
meanings as in section 2923.132 of the Revised Code. 5098

Sec. 2941.1410. (A) Except as provided in sections ~~2925.03~~ 5099
~~and 2925.11 and division (E) (1) of section 2925.05~~ 2925.02, 5100
2925.021, 2925.07, and 2925.36 of the Revised Code, the 5101
determination by a court that an offender is a major drug 5102
offender is precluded unless the indictment, count in the 5103
indictment, or information charging the offender specifies that 5104
the offender is a major drug offender. The specification shall 5105
be stated at the end of the body of the indictment, count, or 5106
information, and shall be stated in substantially the following 5107
form: 5108

"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The 5109
Grand Jurors (or insert the person's or prosecuting attorney's 5110
name when appropriate) further find and specify that (set forth 5111
that the offender is a major drug offender)." 5112

~~(B) Imposition of a three, four, five, six, seven, or
eight-year mandatory prison term upon an offender under division
(B) (9) of section 2929.14 of the Revised Code, pursuant to
determination by a court that an offender is a major drug
offender, is precluded unless the indictment, count in the
indictment, or information charging the offender with the
violation of section 2925.03, 2925.05, or 2925.11 of the Revised
Code specifies that the offender is a major drug offender and
that the drug involved in the violation is a fentanyl-related
compound or a compound, mixture, preparation, or substance
containing a fentanyl-related compound. The specification shall
be stated at the end of the body of the indictment, count, or
information, and shall be stated in substantially the following
form:—~~

~~"SPECIFICATION (or, SPECIFICATION TO THE FIRST COUNT). The
Grand Jurors (or insert the person's or prosecuting attorney's
name when appropriate) further find and specify that (set forth
that the offender is a major drug offender and the drug involved
in the violation is a fentanyl-related compound or a compound,
mixture, preparation, or substance containing a fentanyl-related
compound)."~~

~~(C) The court shall determine the issue of whether an
offender is a major drug offender.~~

~~(D) (C) As used in this section, "major drug offender" has
the same meaning as in section 2929.01 of the Revised Code.~~

Sec. 2945.71. (A) Subject to division (D) of this section,
a person against whom a charge is pending in a court not of
record, or against whom a charge of minor misdemeanor is pending
in a court of record, shall be brought to trial within thirty
days after the person's arrest or the service of summons.

(B) Subject to division (D) of this section, a person 5143
against whom a charge of misdemeanor, other than a minor 5144
misdemeanor, is pending in a court of record, shall be brought 5145
to trial as follows: 5146

(1) ~~Within~~ Subject to division (B)(3) of this section, 5147
within forty-five days after the person's arrest or the service 5148
of summons, if the offense charged is a misdemeanor of the third 5149
or fourth degree, or other misdemeanor for which the maximum 5150
penalty is imprisonment for not more than sixty days; 5151

(2) ~~Within~~ Subject to division (B)(3) of this section, 5152
within ninety days after the person's arrest or the service of 5153
summons, if the offense charged is a misdemeanor of the first or 5154
second degree, or other misdemeanor for which the maximum 5155
penalty is imprisonment for more than sixty days; 5156

(3) Within one hundred eighty days after the person's 5157
arrest or the service of summons, if the offense charged is a 5158
misdemeanor violation of section 2925.04 or 2925.041 of the 5159
Revised Code. 5160

(C) A person against whom a charge of felony is pending: 5161

(1) Notwithstanding any provisions to the contrary in 5162
Criminal Rule 5(B), shall be accorded a preliminary hearing 5163
within fifteen consecutive days after the person's arrest if the 5164
accused is not held in jail in lieu of bail on the pending 5165
charge or within ten consecutive days after the person's arrest 5166
if the accused is held in jail in lieu of bail on the pending 5167
charge; 5168

(2) Shall be brought to trial within two hundred seventy 5169
days after the person's arrest. 5170

(D) A person against whom one or more charges of different 5171

degrees, whether felonies, misdemeanors, or combinations of 5172
felonies and misdemeanors, all of which arose out of the same 5173
act or transaction, are pending shall be brought to trial on all 5174
of the charges within the time period required for the highest 5175
degree of offense charged, as determined under divisions (A), 5176
(B), and (C) of this section. 5177

(E) For purposes of computing time under divisions (A), 5178
(B), (C) (2), and (D) of this section, each day during which the 5179
accused is held in jail in lieu of bail on the pending charge 5180
shall be counted as three days. This division does not apply for 5181
purposes of computing time under division (C) (1) of this 5182
section. 5183

(F) This section shall not be construed to modify in any 5184
way section 2941.401 or sections 2963.30 to 2963.35 of the 5185
Revised Code. 5186

Section 2. That existing sections 2925.01, 2925.02, 5187
2925.04, 2925.041, 2925.05, 2925.06, 2925.061, 2925.07, 2925.08, 5188
2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 5189
2925.33, 2925.36, 2925.37, 2925.38, 2925.42, 2925.50, 2925.51, 5190
2925.52, 2925.55, 2925.56, 2925.57, 2929.01, 2929.14, 2941.1410, 5191
and 2945.71 of the Revised Code are hereby repealed. 5192

Section 3. That sections 2925.03, 2925.11, 2925.12, 5193
2925.141, and 2925.58 of the Revised Code are hereby repealed. 5194

Section 4. That sections 1.58, 109.572, 109.60, 128.04, 5195
177.01, 1547.11, 1901.186, 2151.414, 2152.021, 2152.18, 2743.60, 5196
2919.22, 2923.01, 2923.241, 2923.31, 2923.41, 2927.21, 2929.13, 5197
2929.141, 2929.15, 2929.18, 2929.25, 2929.34, 2933.51, 2935.36, 5198
2951.041, 2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 5199
3313.662, 3319.31, 3319.39, 3707.57, 3712.09, 3719.01, 3719.013, 5200

3719.21, 3719.41, 3719.99, 3721.121, 3734.44, 3745.13, 3767.01, 5201
3796.01, 3796.27, 4112.02, 4123.54, 4301.61, 4510.01, 4510.17, 5202
4511.19, 4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 5203
5119.391, 5120.53, 5153.111, 5502.13, and 5924.1121 of the 5204
Revised Code be amended to read as follows: 5205

Sec. 1.58. (A) The reenactment, amendment, or repeal of a 5206
statute does not, except as provided in ~~division~~divisions (B) 5207
to (D) of this section: 5208

(1) Affect the prior operation of the statute or any prior 5209
action taken thereunder; 5210

(2) Affect any validation, cure, right, privilege, 5211
obligation, or liability previously acquired, accrued, accorded, 5212
or incurred thereunder; 5213

(3) Affect any violation thereof or penalty, forfeiture, 5214
or punishment incurred in respect thereto, prior to the 5215
amendment or repeal; 5216

(4) Affect any investigation, proceeding, or remedy in 5217
respect of any such privilege, obligation, liability, penalty, 5218
forfeiture, or punishment; and the investigation, proceeding, or 5219
remedy may be instituted, continued, or enforced, and the 5220
penalty, forfeiture, or punishment imposed, as if the statute 5221
had not been repealed or amended. 5222

(B) If the penalty, forfeiture, or punishment for any 5223
offense is reduced by a reenactment or amendment of a statute, 5224
the penalty, forfeiture, or punishment, if not already imposed, 5225
shall be imposed according to the statute as amended. In 5226
addition, if the offense is a qualifying drug possession offense 5227
and the sentence has not already been imposed, the court shall 5228
change the finding of the offender's guilt of, or the offender's 5229

plea of guilty to, the violation of section 2925.11 of the 5230
Revised Code from a finding of guilt of, or plea of guilty to, a 5231
felony violation of that section to a finding of guilt of, or 5232
plea of guilty to, a first degree misdemeanor violation of that 5233
section. 5234

(C) (1) If, prior to the effective date of this amendment, 5235
an offender was convicted of or pleaded guilty to and was 5236
sentenced for a qualifying drug possession offense, upon 5237
application made under division (C) (2) of this section by the 5238
offender and a finding by the court as described in that 5239
division, the offender's conviction of or plea of guilty to the 5240
violation of section 2925.11 of the Revised Code shall be 5241
changed from a conviction of or plea of guilty to a felony 5242
violation of that section to a conviction of or plea of guilty 5243
to a first degree misdemeanor violation of that section. The 5244
offender may make such an application and obtain such a change 5245
in the conviction or plea of guilty regardless of whether, at 5246
the time of the application and court finding, the offender is 5247
-serving the sentence imposed or has completed that sentence. If, 5248
at the time of the application and court finding, the offender 5249
is serving the sentence imposed for the offense, in addition to 5250
the change of the conviction or plea of guilty, the penalty, 5251
forfeiture, or punishment imposed on the offender for the 5252
violation shall be modified in conformity with the penalty, 5253
forfeiture, or punishment that would be available for the 5254
offense as a misdemeanor of the first degree on or after the 5255
effective date of this amendment. 5256

(2) An offender who, prior to the effective date of this 5257
amendment, was convicted of or pleaded guilty to and was 5258
sentenced for a qualifying drug possession offense and who, 5259
pursuant to division (C) (1) of this section, desires a 5260

reclassification of the conviction or guilty plea and, if 5261
applicable, a modification of the penalty, forfeiture, or 5262
punishment imposed for the violation, as described in that 5263
division, may apply to the court in which the conviction or 5264
guilty plea was entered or made. Upon receipt of an application 5265
under this division, the court shall conduct a hearing on the 5266
application. The court shall notify the offender and the office 5267
of the prosecutor who handled the case resulting in the 5268
conviction or guilty plea of the date, time, and location of the 5269
hearing. The offender has the right to be physically present at 5270
the hearing, except that, upon the court's own motion or the 5271
motion of the offender or the prosecutor who handled the case or 5272
that prosecutor's successor in office, the court may permit the 5273
offender to appear at the hearing by video conferencing 5274
equipment or another electronic communication method, if 5275
available and compatible. An appearance by video conferencing 5276
equipment or another electronic communication method pursuant to 5277
this division has the same force and effect as if the offender 5278
were physically present at the hearing. 5279

If the court at the hearing finds that the offense that is 5280
the subject of the application is a qualifying drug possession 5281
offense, the court shall change the offender's conviction of or 5282
plea of guilty to the violation of section 2925.11 of the 5283
Revised Code from a conviction of or plea of guilty to a felony 5284
violation of that section to a conviction of or plea of guilty 5285
to a first degree misdemeanor violation of that section. If, at 5286
the time of the finding, the offender is serving the sentence 5287
imposed for the offense, in addition to the change of the 5288
conviction or plea of guilty, the court also shall modify the 5289
penalty, forfeiture, or punishment imposed on the offender for 5290
the violation in conformity with the penalty, forfeiture, or 5291

punishment that would be available for the offense as a 5292
misdemeanor of the first degree on or after the effective date 5293
of this amendment. 5294

After a change under this division of a conviction of or 5295
plea of guilty to a felony violation of section 2925.11 of the 5296
Revised Code to a conviction of or plea of guilty to a first 5297
degree misdemeanor violation, the offender shall be considered 5298
for all purposes to have originally been convicted of or pleaded 5299
guilty to a first degree misdemeanor violation of that section 5300
and shall not be considered for any purpose to have been 5301
convicted of or pleaded guilty to a felony violation of that 5302
section. In no case shall a sentence modification under this 5303
division increase the severity of the original penalty, 5304
forfeiture, or punishment imposed. After a sentence modification 5305
under this division, the modified penalty, forfeiture, or 5306
punishment shall apply to the offender in substitution for the 5307
original penalty, forfeiture, or punishment imposed. If the 5308
offender is confined under the original penalty, forfeiture, or 5309
punishment imposed and, after the sentence modification, the 5310
offender has completed the modified penalty, forfeiture, or 5311
punishment, the offender shall be granted a final release and be 5312
released from the confinement. 5313

(D) If a person, prior to the effective date of this 5314
amendment, commits a qualifying drug possession offense and if, 5315
as of that date, the offender has not been charged with the 5316
offense or the offender has been charged with the offense but 5317
has not been found guilty of, and has not pleaded guilty to, the 5318
offense and the charge of the offense remains pending, except as 5319
otherwise specified in this division, on and after the effective 5320
date of this amendment, the offense shall be treated as a 5321
misdemeanor of the first degree and any prosecution of the 5322

offender shall be considered and treated as a prosecution for a 5323
misdemeanor of the first degree. 5324

(E) As used in divisions (B) to (D) of this section: 5325

(1) "Prosecutor" has the same meaning as in section 5326
2935.01 of the Revised Code. 5327

(2) "Qualifying drug possession offense" means a violation 5328
of section 2925.11 of the Revised Code that was committed prior 5329
to July 1, 2019, and to which both of the following apply: 5330

(a) At the time of the commission of the violation, the 5331
violation was a felony of the fourth or fifth degree under the 5332
version of section 2925.11 of the Revised Code that then was in 5333
effect. 5334

(b) On the effective date of this amendment, the offense 5335
classification of the violation was reduced to a misdemeanor of 5336
the first degree under the version of section 2925.11 of the 5337
Revised Code that took effect on that date. 5338

Sec. 109.572. (A) (1) Upon receipt of a request pursuant to 5339
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised 5340
Code, a completed form prescribed pursuant to division (C) (1) of 5341
this section, and a set of fingerprint impressions obtained in 5342
the manner described in division (C) (2) of this section, the 5343
superintendent of the bureau of criminal identification and 5344
investigation shall conduct a criminal records check in the 5345
manner described in division (B) of this section to determine 5346
whether any information exists that indicates that the person 5347
who is the subject of the request previously has been convicted 5348
of or pleaded guilty to any of the following: 5349

(a) A violation of section 2903.01, 2903.02, 2903.03, 5350
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5351

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5352
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5353
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5354
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 5355
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 5356
~~2925.04~~, 2925.05, 2925.06, 2925.07, 2925.08, or 3716.11 of the 5357
Revised Code, felonious sexual penetration in violation of 5358
former section 2907.12 of the Revised Code, a violation of 5359
section 2905.04 of the Revised Code as it existed prior to July 5360
1, 1996, a violation of section 2919.23 of the Revised Code that 5361
would have been a violation of section 2905.04 of the Revised 5362
Code as it existed prior to July 1, 1996, had the violation been 5363
committed prior to that date, or a violation of section 2925.11 5364
of the Revised Code that is not a minor drug possession offense; 5365

(b) A violation of an existing or former law of this 5366
state, any other state, or the United States that is 5367
substantially equivalent to any of the offenses listed in 5368
division (A) (1) (a) of this section; 5369

(c) If the request is made pursuant to section 3319.39 of 5370
the Revised Code for an applicant who is a teacher, any offense 5371
specified in section 3319.31 of the Revised Code. 5372

(2) On receipt of a request pursuant to section 3712.09 or 5373
3721.121 of the Revised Code, a completed form prescribed 5374
pursuant to division (C) (1) of this section, and a set of 5375
fingerprint impressions obtained in the manner described in 5376
division (C) (2) of this section, the superintendent of the 5377
bureau of criminal identification and investigation shall 5378
conduct a criminal records check with respect to any person who 5379
has applied for employment in a position for which a criminal 5380
records check is required by those sections. The superintendent 5381

shall conduct the criminal records check in the manner described 5382
in division (B) of this section to determine whether any 5383
information exists that indicates that the person who is the 5384
subject of the request previously has been convicted of or 5385
pleaded guilty to any of the following: 5386

(a) A violation of section 2903.01, 2903.02, 2903.03, 5387
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5388
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 5389
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 5390
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 5391
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 5392
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 5393
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 5394
~~2925.11~~, 2925.04, 2925.041, 2925.05, 2925.13, 2925.22, 2925.23, 5395
or 3716.11 of the Revised Code; 5396

(b) An existing or former law of this state, any other 5397
state, or the United States that is substantially equivalent to 5398
any of the offenses listed in division (A)(2)(a) of this 5399
section. 5400

(3) On receipt of a request pursuant to section 173.27, 5401
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5402
5123.081, or 5123.169 of the Revised Code, a completed form 5403
prescribed pursuant to division (C)(1) of this section, and a 5404
set of fingerprint impressions obtained in the manner described 5405
in division (C)(2) of this section, the superintendent of the 5406
bureau of criminal identification and investigation shall 5407
conduct a criminal records check of the person for whom the 5408
request is made. The superintendent shall conduct the criminal 5409
records check in the manner described in division (B) of this 5410
section to determine whether any information exists that 5411

indicates that the person who is the subject of the request 5412
previously has been convicted of, has pleaded guilty to, or 5413
(except in the case of a request pursuant to section 5164.34, 5414
5164.341, or 5164.342 of the Revised Code) has been found 5415
eligible for intervention in lieu of conviction for any of the 5416
following, regardless of the date of the conviction, the date of 5417
entry of the guilty plea, or (except in the case of a request 5418
pursuant to section 5164.34, 5164.341, or 5164.342 of the 5419
Revised Code) the date the person was found eligible for 5420
intervention in lieu of conviction: 5421

(a) A violation of section 959.13, 959.131, 2903.01, 5422
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 5423
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 5424
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 5425
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 5426
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 5427
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 5428
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 5429
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 5430
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 5431
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 5432
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 5433
2919.121, 2919.123, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 5434
2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 5435
2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 5436
2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 5437
2925.021, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 5438
2925.061, 2925.07, 2925.08, 2925.09, ~~2925.11~~, 2925.13, 2925.14, 5439
~~2925.141~~, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 5440
2927.12, or 3716.11 of the Revised Code; 5441

(b) Felonious sexual penetration in violation of former 5442

section 2907.12 of the Revised Code; 5443

(c) A violation of section 2905.04 of the Revised Code as 5444
it existed prior to July 1, 1996; 5445

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 5446
the Revised Code when the underlying offense that is the object 5447
of the conspiracy, attempt, or complicity is one of the offenses 5448
listed in divisions (A) (3) (a) to (c) of this section; 5449

(e) A violation of an existing or former municipal 5450
ordinance or law of this state, any other state, or the United 5451
States that is substantially equivalent to any of the offenses 5452
listed in divisions (A) (3) (a) to (d) of this section. 5453

(4) On receipt of a request pursuant to section 2151.86 of 5454
the Revised Code, a completed form prescribed pursuant to 5455
division (C) (1) of this section, and a set of fingerprint 5456
impressions obtained in the manner described in division (C) (2) 5457
of this section, the superintendent of the bureau of criminal 5458
identification and investigation shall conduct a criminal 5459
records check in the manner described in division (B) of this 5460
section to determine whether any information exists that 5461
indicates that the person who is the subject of the request 5462
previously has been convicted of or pleaded guilty to any of the 5463
following: 5464

(a) A violation of section 959.13, 2903.01, 2903.02, 5465
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 5466
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 5467
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 5468
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 5469
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 5470
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 5471

2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 5472
2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 2925.04, 2925.05, 5473
2925.06, 2925.07, 2925.08, 2927.12, or 3716.11 of the Revised 5474
Code, a violation of section 2905.04 of the Revised Code as it 5475
existed prior to July 1, 1996, a violation of section 2919.23 of 5476
the Revised Code that would have been a violation of section 5477
2905.04 of the Revised Code as it existed prior to July 1, 1996, 5478
had the violation been committed prior to that date, a violation 5479
of section ~~2925.11~~2925.04 or 2925.041 of the Revised Code that 5480
is not a minor drug possession offense, two or more OVI or OVUAC 5481
violations committed within the three years immediately 5482
preceding the submission of the application or petition that is 5483
the basis of the request, or felonious sexual penetration in 5484
violation of former section 2907.12 of the Revised Code; 5485

(b) A violation of an existing or former law of this 5486
state, any other state, or the United States that is 5487
substantially equivalent to any of the offenses listed in 5488
division (A) (4) (a) of this section. 5489

(5) Upon receipt of a request pursuant to section 5104.013 5490
of the Revised Code, a completed form prescribed pursuant to 5491
division (C) (1) of this section, and a set of fingerprint 5492
impressions obtained in the manner described in division (C) (2) 5493
of this section, the superintendent of the bureau of criminal 5494
identification and investigation shall conduct a criminal 5495
records check in the manner described in division (B) of this 5496
section to determine whether any information exists that 5497
indicates that the person who is the subject of the request has 5498
been convicted of or pleaded guilty to any of the following: 5499

(a) A violation of section 2151.421, 2903.01, 2903.02, 5500
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 5501

2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 5502
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 5503
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 5504
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 5505
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 5506
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 5507
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 5508
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 5509
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 5510
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 5511
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 5512
2923.161, 2925.02, 2925.021, 2925.03, 2925.04, 2925.05, 2925.06, 5513
2925.07, 2925.08, or 3716.11 of the Revised Code, felonious 5514
sexual penetration in violation of former section 2907.12 of the 5515
Revised Code, a violation of section 2905.04 of the Revised Code 5516
as it existed prior to July 1, 1996, a violation of section 5517
2919.23 of the Revised Code that would have been a violation of 5518
section 2905.04 of the Revised Code as it existed prior to July 5519
1, 1996, had the violation been committed prior to that date, a 5520
violation of section ~~2925.11~~ 2925.04 or 2925.041 of the Revised 5521
Code that is not a minor drug possession offense, a violation of 5522
section 2923.02 or 2923.03 of the Revised Code that relates to a 5523
crime specified in this division, or a second violation of 5524
section 4511.19 of the Revised Code within five years of the 5525
date of application for licensure or certification. 5526

(b) A violation of an existing or former law of this 5527
state, any other state, or the United States that is 5528
substantially equivalent to any of the offenses or violations 5529
described in division (A) (5) (a) of this section. 5530

(6) Upon receipt of a request pursuant to section 5153.111 5531
of the Revised Code, a completed form prescribed pursuant to 5532

division (C) (1) of this section, and a set of fingerprint 5533
impressions obtained in the manner described in division (C) (2) 5534
of this section, the superintendent of the bureau of criminal 5535
identification and investigation shall conduct a criminal 5536
records check in the manner described in division (B) of this 5537
section to determine whether any information exists that 5538
indicates that the person who is the subject of the request 5539
previously has been convicted of or pleaded guilty to any of the 5540
following: 5541

(a) A violation of section 2903.01, 2903.02, 2903.03, 5542
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5543
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 5544
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 5545
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 5546
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 5547
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 5548
2925.021, 2925.03, 2925.04, 2925.05, 2925.06, 2925.07, 2925.08, 5549
or 3716.11 of the Revised Code, felonious sexual penetration in 5550
violation of former section 2907.12 of the Revised Code, a 5551
violation of section 2905.04 of the Revised Code as it existed 5552
prior to July 1, 1996, a violation of section 2919.23 of the 5553
Revised Code that would have been a violation of section 2905.04 5554
of the Revised Code as it existed prior to July 1, 1996, had the 5555
violation been committed prior to that date, or a violation of 5556
section ~~2925.11~~ 2925.04 or 2925.041 of the Revised Code that is 5557
not a minor drug possession offense; 5558

(b) A violation of an existing or former law of this 5559
state, any other state, or the United States that is 5560
substantially equivalent to any of the offenses listed in 5561
division (A) (6) (a) of this section. 5562

(7) On receipt of a request for a criminal records check 5563
from an individual pursuant to section 4749.03 or 4749.06 of the 5564
Revised Code, accompanied by a completed copy of the form 5565
prescribed in division (C)(1) of this section and a set of 5566
fingerprint impressions obtained in a manner described in 5567
division (C)(2) of this section, the superintendent of the 5568
bureau of criminal identification and investigation shall 5569
conduct a criminal records check in the manner described in 5570
division (B) of this section to determine whether any 5571
information exists indicating that the person who is the subject 5572
of the request has been convicted of or pleaded guilty to a 5573
felony in this state or in any other state. If the individual 5574
indicates that a firearm will be carried in the course of 5575
business, the superintendent shall require information from the 5576
federal bureau of investigation as described in division (B)(2) 5577
of this section. Subject to division (F) of this section, the 5578
superintendent shall report the findings of the criminal records 5579
check and any information the federal bureau of investigation 5580
provides to the director of public safety. 5581

(8) On receipt of a request pursuant to section 1321.37, 5582
1321.53, or 4763.05 of the Revised Code, a completed form 5583
prescribed pursuant to division (C)(1) of this section, and a 5584
set of fingerprint impressions obtained in the manner described 5585
in division (C)(2) of this section, the superintendent of the 5586
bureau of criminal identification and investigation shall 5587
conduct a criminal records check with respect to any person who 5588
has applied for a license, permit, or certification from the 5589
department of commerce or a division in the department. The 5590
superintendent shall conduct the criminal records check in the 5591
manner described in division (B) of this section to determine 5592
whether any information exists that indicates that the person 5593

who is the subject of the request previously has been convicted 5594
of or pleaded guilty to any of the following: a violation of 5595
section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the 5596
Revised Code; any other criminal offense involving theft, 5597
receiving stolen property, embezzlement, forgery, fraud, passing 5598
bad checks, money laundering, or drug trafficking, or any 5599
criminal offense involving money or securities, as set forth in 5600
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 5601
the Revised Code; or any existing or former law of this state, 5602
any other state, or the United States that is substantially 5603
equivalent to those offenses. 5604

(9) On receipt of a request for a criminal records check 5605
from the treasurer of state under section 113.041 of the Revised 5606
Code or from an individual under section 4701.08, 4715.101, 5607
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 5608
4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 5609
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 5610
4734.202, 4740.061, 4741.10, 4747.051, 4753.061, 4755.70, 5611
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 5612
4762.06, 4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 5613
4779.091, or 4783.04 of the Revised Code, accompanied by a 5614
completed form prescribed under division (C)(1) of this section 5615
and a set of fingerprint impressions obtained in the manner 5616
described in division (C)(2) of this section, the superintendent 5617
of the bureau of criminal identification and investigation shall 5618
conduct a criminal records check in the manner described in 5619
division (B) of this section to determine whether any 5620
information exists that indicates that the person who is the 5621
subject of the request has been convicted of or pleaded guilty 5622
to any criminal offense in this state or any other state. 5623
Subject to division (F) of this section, the superintendent 5624

shall send the results of a check requested under section 5625
113.041 of the Revised Code to the treasurer of state and shall 5626
send the results of a check requested under any of the other 5627
listed sections to the licensing board specified by the 5628
individual in the request. 5629

(10) On receipt of a request pursuant to section 124.74, 5630
1121.23, 1315.141, 1733.47, or 1761.26 of the Revised Code, a 5631
completed form prescribed pursuant to division (C) (1) of this 5632
section, and a set of fingerprint impressions obtained in the 5633
manner described in division (C) (2) of this section, the 5634
superintendent of the bureau of criminal identification and 5635
investigation shall conduct a criminal records check in the 5636
manner described in division (B) of this section to determine 5637
whether any information exists that indicates that the person 5638
who is the subject of the request previously has been convicted 5639
of or pleaded guilty to any criminal offense under any existing 5640
or former law of this state, any other state, or the United 5641
States. 5642

(11) On receipt of a request for a criminal records check 5643
from an appointing or licensing authority under section 3772.07 5644
of the Revised Code, a completed form prescribed under division 5645
(C) (1) of this section, and a set of fingerprint impressions 5646
obtained in the manner prescribed in division (C) (2) of this 5647
section, the superintendent of the bureau of criminal 5648
identification and investigation shall conduct a criminal 5649
records check in the manner described in division (B) of this 5650
section to determine whether any information exists that 5651
indicates that the person who is the subject of the request 5652
previously has been convicted of or pleaded guilty or no contest 5653
to any offense under any existing or former law of this state, 5654
any other state, or the United States that is a disqualifying 5655

offense as defined in section 3772.07 of the Revised Code or 5656
substantially equivalent to such an offense. 5657

(12) On receipt of a request pursuant to section 2151.33 5658
or 2151.412 of the Revised Code, a completed form prescribed 5659
pursuant to division (C)(1) of this section, and a set of 5660
fingerprint impressions obtained in the manner described in 5661
division (C)(2) of this section, the superintendent of the 5662
bureau of criminal identification and investigation shall 5663
conduct a criminal records check with respect to any person for 5664
whom a criminal records check is required under that section. 5665
The superintendent shall conduct the criminal records check in 5666
the manner described in division (B) of this section to 5667
determine whether any information exists that indicates that the 5668
person who is the subject of the request previously has been 5669
convicted of or pleaded guilty to any of the following: 5670

(a) A violation of section 2903.01, 2903.02, 2903.03, 5671
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 5672
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 5673
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 5674
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 5675
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 5676
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 5677
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 5678
~~2925.11, 2925.04, 2925.041, 2925.05,~~ 2925.13, 2925.22, 2925.23, 5679
or 3716.11 of the Revised Code; 5680

(b) An existing or former law of this state, any other 5681
state, or the United States that is substantially equivalent to 5682
any of the offenses listed in division (A)(12)(a) of this 5683
section. 5684

(13) On receipt of a request pursuant to section 3796.12 5685

of the Revised Code, a completed form prescribed pursuant to 5686
division (C) (1) of this section, and a set of fingerprint 5687
impressions obtained in a manner described in division (C) (2) of 5688
this section, the superintendent of the bureau of criminal 5689
identification and investigation shall conduct a criminal 5690
records check in the manner described in division (B) of this 5691
section to determine whether any information exists that 5692
indicates that the person who is the subject of the request 5693
previously has been convicted of or pleaded guilty to the 5694
following: 5695

(a) A disqualifying offense as specified in rules adopted 5696
under division (B) (2) (b) of section 3796.03 of the Revised Code 5697
if the person who is the subject of the request is an 5698
administrator or other person responsible for the daily 5699
operation of, or an owner or prospective owner, officer or 5700
prospective officer, or board member or prospective board member 5701
of, an entity seeking a license from the department of commerce 5702
under Chapter 3796. of the Revised Code; 5703

(b) A disqualifying offense as specified in rules adopted 5704
under division (B) (2) (b) of section 3796.04 of the Revised Code 5705
if the person who is the subject of the request is an 5706
administrator or other person responsible for the daily 5707
operation of, or an owner or prospective owner, officer or 5708
prospective officer, or board member or prospective board member 5709
of, an entity seeking a license from the state board of pharmacy 5710
under Chapter 3796. of the Revised Code. 5711

(14) On receipt of a request required by section 3796.13 5712
of the Revised Code, a completed form prescribed pursuant to 5713
division (C) (1) of this section, and a set of fingerprint 5714
impressions obtained in a manner described in division (C) (2) of 5715

this section, the superintendent of the bureau of criminal 5716
identification and investigation shall conduct a criminal 5717
records check in the manner described in division (B) of this 5718
section to determine whether any information exists that 5719
indicates that the person who is the subject of the request 5720
previously has been convicted of or pleaded guilty to the 5721
following: 5722

(a) A disqualifying offense as specified in rules adopted 5723
under division (B) (8) (a) of section 3796.03 of the Revised Code 5724
if the person who is the subject of the request is seeking 5725
employment with an entity licensed by the department of commerce 5726
under Chapter 3796. of the Revised Code; 5727

(b) A disqualifying offense as specified in rules adopted 5728
under division (B) (14) (a) of section 3796.04 of the Revised Code 5729
if the person who is the subject of the request is seeking 5730
employment with an entity licensed by the state board of 5731
pharmacy under Chapter 3796. of the Revised Code. 5732

(15) On receipt of a request pursuant to section 4768.06 5733
of the Revised Code, a completed form prescribed under division 5734
(C) (1) of this section, and a set of fingerprint impressions 5735
obtained in the manner described in division (C) (2) of this 5736
section, the superintendent of the bureau of criminal 5737
identification and investigation shall conduct a criminal 5738
records check in the manner described in division (B) of this 5739
section to determine whether any information exists indicating 5740
that the person who is the subject of the request has been 5741
convicted of or pleaded guilty to a felony in this state or in 5742
any other state. 5743

(16) On receipt of a request pursuant to division (B) of 5744
section 4764.07 of the Revised Code, a completed form prescribed 5745

under division (C) (1) of this section, and a set of fingerprint 5746
impressions obtained in the manner described in division (C) (2) 5747
of this section, the superintendent of the bureau of criminal 5748
identification and investigation shall conduct a criminal 5749
records check in the manner described in division (B) of this 5750
section to determine whether any information exists indicating 5751
that the person who is the subject of the request has been 5752
convicted of or pleaded guilty to any crime of moral turpitude, 5753
a felony, or an equivalent offense in any other state or the 5754
United States. 5755

(17) On receipt of a request for a criminal records check 5756
under section 147.022 of the Revised Code, a completed form 5757
prescribed under division (C) (1) of this section, and a set of 5758
fingerprint impressions obtained in the manner prescribed in 5759
division (C) (2) of this section, the superintendent of the 5760
bureau of criminal identification and investigation shall 5761
conduct a criminal records check in the manner described in 5762
division (B) of this section to determine whether any 5763
information exists that indicates that the person who is the 5764
subject of the request previously has been convicted of or 5765
pleaded guilty or no contest to any disqualifying offense, as 5766
defined in section 147.011 of the Revised Code, or to any 5767
offense under any existing or former law of this state, any 5768
other state, or the United States that is substantially 5769
equivalent to such a disqualifying offense. 5770

(B) Subject to division (F) of this section, the 5771
superintendent shall conduct any criminal records check to be 5772
conducted under this section as follows: 5773

(1) The superintendent shall review or cause to be 5774
reviewed any relevant information gathered and compiled by the 5775

bureau under division (A) of section 109.57 of the Revised Code 5776
that relates to the person who is the subject of the criminal 5777
records check, including, if the criminal records check was 5778
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 5779
173.381, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 5780
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 5781
3721.121, 3772.07, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 5782
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 5783
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 5784
the Revised Code, any relevant information contained in records 5785
that have been sealed under section 2953.32 of the Revised Code; 5786

(2) If the request received by the superintendent asks for 5787
information from the federal bureau of investigation, the 5788
superintendent shall request from the federal bureau of 5789
investigation any information it has with respect to the person 5790
who is the subject of the criminal records check, including 5791
fingerprint-based checks of national crime information databases 5792
as described in 42 U.S.C. 671 if the request is made pursuant to 5793
section 2151.86 or 5104.013 of the Revised Code or if any other 5794
Revised Code section requires fingerprint-based checks of that 5795
nature, and shall review or cause to be reviewed any information 5796
the superintendent receives from that bureau. If a request under 5797
section 3319.39 of the Revised Code asks only for information 5798
from the federal bureau of investigation, the superintendent 5799
shall not conduct the review prescribed by division (B) (1) of 5800
this section. 5801

(3) The superintendent or the superintendent's designee 5802
may request criminal history records from other states or the 5803
federal government pursuant to the national crime prevention and 5804
privacy compact set forth in section 109.571 of the Revised 5805
Code. 5806

(4) The superintendent shall include in the results of the criminal records check a list or description of the offenses listed or described in division (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) of this section, whichever division requires the superintendent to conduct the criminal records check. The superintendent shall exclude from the results any information the dissemination of which is prohibited by federal law.

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

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

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

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

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for

whom a criminal records check is to be conducted under this 5836
section. Any person for whom a records check is to be conducted 5837
under this section shall obtain the fingerprint impressions at a 5838
county sheriff's office, municipal police department, or any 5839
other entity with the ability to make fingerprint impressions on 5840
the standard impression sheets prescribed by the superintendent. 5841
The office, department, or entity may charge the person a 5842
reasonable fee for making the impressions. The standard 5843
impression sheets the superintendent prescribes pursuant to this 5844
division may be in a tangible format, in an electronic format, 5845
or in both tangible and electronic formats. 5846

(3) Subject to division (D) of this section, the 5847
superintendent shall prescribe and charge a reasonable fee for 5848
providing a criminal records check under this section. The 5849
person requesting the criminal records check shall pay the fee 5850
prescribed pursuant to this division. In the case of a request 5851
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 5852
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 5853
fee shall be paid in the manner specified in that section. 5854

(4) The superintendent of the bureau of criminal 5855
identification and investigation may prescribe methods of 5856
forwarding fingerprint impressions and information necessary to 5857
conduct a criminal records check, which methods shall include, 5858
but not be limited to, an electronic method. 5859

(D) The results of a criminal records check conducted 5860
under this section, other than a criminal records check 5861
specified in division (A) (7) of this section, are valid for the 5862
person who is the subject of the criminal records check for a 5863
period of one year from the date upon which the superintendent 5864
completes the criminal records check. If during that period the 5865

superintendent receives another request for a criminal records 5866
check to be conducted under this section for that person, the 5867
superintendent shall provide the results from the previous 5868
criminal records check of the person at a lower fee than the fee 5869
prescribed for the initial criminal records check. 5870

(E) When the superintendent receives a request for 5871
information from a registered private provider, the 5872
superintendent shall proceed as if the request was received from 5873
a school district board of education under section 3319.39 of 5874
the Revised Code. The superintendent shall apply division (A) (1) 5875
(c) of this section to any such request for an applicant who is 5876
a teacher. 5877

(F) (1) Subject to division (F) (2) of this section, all 5878
information regarding the results of a criminal records check 5879
conducted under this section that the superintendent reports or 5880
sends under division (A) (7) or (9) of this section to the 5881
director of public safety, the treasurer of state, or the 5882
person, board, or entity that made the request for the criminal 5883
records check shall relate to the conviction of the subject 5884
person, or the subject person's plea of guilty to, a criminal 5885
offense. 5886

(2) Division (F) (1) of this section does not limit, 5887
restrict, or preclude the superintendent's release of 5888
information that relates to the arrest of a person who is 5889
eighteen years of age or older, to an adjudication of a child as 5890
a delinquent child, or to a criminal conviction of a person 5891
under eighteen years of age in circumstances in which a release 5892
of that nature is authorized under division (E) (2), (3), or (4) 5893
of section 109.57 of the Revised Code pursuant to a rule adopted 5894
under division (E) (1) of that section. 5895

(G) As used in this section:	5896
(1) "Criminal records check" means any criminal records check conducted by the superintendent of the bureau of criminal identification and investigation in accordance with division (B) of this section.	5897 5898 5899 5900
(2) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	5901 5902
(3) "OVI or OVUAC violation" means a violation of section 4511.19 of the Revised Code or a violation of an existing or former law of this state, any other state, or the United States that is substantially equivalent to section 4511.19 of the Revised Code.	5903 5904 5905 5906 5907
(4) "Registered private provider" means a nonpublic school or entity registered with the superintendent of public instruction under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program.	5908 5909 5910 5911 5912 5913
Sec. 109.60. (A) (1) The sheriffs of the several counties and the chiefs of police of cities, immediately upon the arrest of any person for any felony, on suspicion of any felony, for a crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or for any misdemeanor described in division (A) (1) (a), (A) (8) (a), or (A) (10) (a) of section 109.572 of the Revised Code, and immediately upon the arrest or taking into custody of any child under eighteen years of age for committing an act that would be a felony or an offense of violence if committed by an adult or upon probable cause to believe that a child of that age may have committed an act that	5914 5915 5916 5917 5918 5919 5920 5921 5922 5923 5924

would be a felony or an offense of violence if committed by an 5925
adult, shall take the person's or child's fingerprints, or cause 5926
the same to be taken, according to the fingerprint system of 5927
identification on the forms furnished by the superintendent of 5928
the bureau of criminal identification and investigation, and 5929
immediately shall forward copies of the completed forms, any 5930
other description that may be required, and the history of the 5931
offense committed to the bureau to be classified and filed and 5932
to the clerk of the court having jurisdiction over the 5933
prosecution of the offense or over the adjudication relative to 5934
the act. 5935

(2) Except as provided in division (B) of this section, if 5936
a person or child has not been arrested and first appears before 5937
a court or magistrate in response to a summons, or if a sheriff 5938
or chief of police has not taken, or caused to be taken, a 5939
person's or child's fingerprints in accordance with division (A) 5940
(1) of this section by the time of the arraignment or first 5941
appearance of the person or child, the court shall order the 5942
person or child to appear before the sheriff or chief of police 5943
within twenty-four hours to have the person's or child's 5944
fingerprints taken. The sheriff or chief of police shall take 5945
the person's or child's fingerprints, or cause the fingerprints 5946
to be taken, according to the fingerprint system of 5947
identification on the forms furnished by the superintendent of 5948
the bureau of criminal identification and investigation and, 5949
immediately after the person's or child's arraignment or first 5950
appearance, forward copies of the completed forms, any other 5951
description that may be required, and the history of the offense 5952
committed to the bureau to be classified and filed and to the 5953
clerk of the court. 5954

(3) Every court with jurisdiction over a case involving a 5955

person or child with respect to whom division (A) (1) or (2) of 5956
this section requires a sheriff or chief of police to take the 5957
person's or child's fingerprints shall inquire at the time of 5958
the person's or child's sentencing or adjudication whether or 5959
not the person or child has been fingerprinted pursuant to 5960
division (A) (1) or (2) of this section for the original arrest 5961
or court appearance upon which the sentence or adjudication is 5962
based. If the person or child was not fingerprinted for the 5963
original arrest or court appearance upon which the sentence or 5964
adjudication is based, the court shall take the person's or 5965
child's fingerprints or shall order the person or child to 5966
appear before the sheriff or chief of police within twenty-four 5967
hours to have the person's or child's fingerprints taken. If the 5968
court orders the person or child to appear before the sheriff or 5969
chief of police to have the person's or child's fingerprints 5970
taken, the sheriff or chief of police shall take the person's or 5971
child's fingerprints, or cause the fingerprints to be taken, 5972
according to the fingerprint system of identification on the 5973
forms furnished by the superintendent of the bureau of criminal 5974
identification and investigation and immediately forward copies 5975
of the completed forms, any other description that may be 5976
required, and the history of the offense committed to the bureau 5977
to be classified and filed and to the clerk of the court. 5978

(4) If a person or child is in the custody of a law 5979
enforcement agency or a detention facility, as defined in 5980
section 2921.01 of the Revised Code, and the chief law 5981
enforcement officer or chief administrative officer of the 5982
detention facility discovers that a warrant has been issued or a 5983
bill of information has been filed alleging the person or child 5984
to have committed an offense or act other than the offense or 5985
act for which the person or child is in custody, and the other 5986

alleged offense or act is one for which fingerprints are to be 5987
taken pursuant to division (A) (1) of this section, the law 5988
enforcement agency or detention facility shall take the 5989
fingerprints of the person or child, or cause the fingerprints 5990
to be taken, according to the fingerprint system of 5991
identification on the forms furnished by the superintendent of 5992
the bureau of criminal identification and investigation and 5993
immediately forward copies of the completed forms, any other 5994
description that may be required, and the history of the offense 5995
committed to the bureau to be classified and filed and to the 5996
clerk of the court that issued the warrant or with which the 5997
bill of information was filed. 5998

(5) If an accused is found not guilty of the offense 5999
charged or a nolle prosequi is entered in any case, or if any 6000
accused child under eighteen years of age is found not to be a 6001
delinquent child for committing an act that would be a felony or 6002
an offense of violence if committed by an adult or not guilty of 6003
the felony or offense of violence charged or a nolle prosequi is 6004
entered in that case, the fingerprints and description shall be 6005
given to the accused upon the accused's request. 6006

(6) The superintendent shall compare the description 6007
received with those already on file in the bureau, and, if the 6008
superintendent finds that the person arrested or taken into 6009
custody has a criminal record or a record as a delinquent child 6010
for having committed an act that would be a felony or an offense 6011
of violence if committed by an adult or is a fugitive from 6012
justice or wanted by any jurisdiction in this or another state, 6013
the United States, or a foreign country for any offense, the 6014
superintendent at once shall inform the arresting officer, the 6015
officer taking the person into custody, or the chief 6016
administrative officer of the county, multicounty, municipal, 6017

municipal-county, or multicounty-municipal jail or workhouse, 6018
community-based correctional facility, halfway house, 6019
alternative residential facility, or state correctional 6020
institution in which the person or child is in custody of that 6021
fact and give appropriate notice to the proper authorities in 6022
the jurisdiction in which the person is wanted, or, if that 6023
jurisdiction is a foreign country, give appropriate notice to 6024
federal authorities for transmission to the foreign country. The 6025
names, under which each person whose identification is filed is 6026
known, shall be alphabetically indexed by the superintendent. 6027

(B) Division (A) of this section does not apply to a 6028
violinator of a city ordinance unless the officers have reason to 6029
believe that the violator is a past offender or the crime is one 6030
constituting a misdemeanor on the first offense and a felony on 6031
subsequent offenses, or unless it is advisable for the purpose 6032
of subsequent identification. This section does not apply to any 6033
child under eighteen years of age who was not arrested or 6034
otherwise taken into custody for committing an act that would be 6035
a felony or an offense of violence if committed by an adult or 6036
upon probable cause to believe that a child of that age may have 6037
committed an act that would be a felony or an offense of 6038
violence if committed by an adult, except as provided in section 6039
2151.313 of the Revised Code. 6040

(C) (1) For purposes of division (C) of this section, a law 6041
enforcement agency shall be considered to have arrested a person 6042
if any law enforcement officer who is employed by, appointed by, 6043
or serves that agency arrests the person. As used in division 6044
(C) of this section: 6045

(a) "Illegal methamphetamine manufacturing laboratory" has 6046
the same meaning as in section 3745.13 of the Revised Code. 6047

(b) "Methamphetamine or a methamphetamine product" means 6048
methamphetamine, any salt, isomer, or salt of an isomer of 6049
methamphetamine, or any compound, mixture, preparation, or 6050
substance containing methamphetamine or any salt, isomer, or 6051
salt of an isomer of methamphetamine. 6052

(2) Each law enforcement agency that, in any calendar 6053
year, arrests any person for a violation of section ~~2925.04~~ 6054
2925.06 of the Revised Code that is based on the manufacture of 6055
methamphetamine or a methamphetamine product, a violation of 6056
section ~~2925.041~~2925.061 of the Revised Code that is based on 6057
the possession of chemicals sufficient to produce 6058
methamphetamine or a methamphetamine product, or a violation of 6059
any other provision of Chapter 2925. or 3719. of the Revised 6060
Code that is based on the possession of chemicals sufficient to 6061
produce methamphetamine or a methamphetamine product shall 6062
prepare an annual report covering the calendar year that 6063
contains the information specified in division (C) (3) of this 6064
section relative to all arrests for violations of those sections 6065
committed under those circumstances during that calendar year 6066
and relative to illegal methamphetamine manufacturing 6067
laboratories, dump sites, and chemical caches as specified in 6068
that division and shall send the annual report, not later than 6069
the first day of March in the calendar year following the 6070
calendar year covered by the report, to the bureau of criminal 6071
identification and investigation. 6072

The law enforcement agency shall write any annual report 6073
prepared and filed under this division on the standard forms 6074
furnished by the superintendent of the bureau of criminal 6075
identification and investigation pursuant to division (C) (4) of 6076
this section. The annual report shall be a statistical report, 6077
and nothing in the report or in the information it contains 6078

shall identify, or enable the identification of, any person who 6079
was arrested and whose arrest is included in the information 6080
contained in the report. The annual report in the possession of 6081
the bureau and the information it contains are public records 6082
for the purpose of section 149.43 of the Revised Code. 6083

(3) The annual report prepared and filed by a law 6084
enforcement agency under division (C)(2) of this section shall 6085
contain all of the following information for the calendar year 6086
covered by the report: 6087

(a) The total number of arrests made by the agency in that 6088
calendar year for a violation of section ~~2925.04-2925.06~~ of the 6089
Revised Code that is based on the manufacture of methamphetamine 6090
or a methamphetamine product, a violation of section ~~2925.041-~~ 6091
2925.061 of the Revised Code that is based on the possession of 6092
chemicals sufficient to produce methamphetamine or a 6093
methamphetamine product, or a violation of any other provision 6094
of Chapter 2925. or 3719. of the Revised Code that is based on 6095
the possession of chemicals sufficient to produce 6096
methamphetamine or a methamphetamine product; 6097

(b) The total number of illegal methamphetamine 6098
manufacturing laboratories at which one or more of the arrests 6099
reported under division (C)(3)(a) of this section occurred, or 6100
that were discovered in that calendar year within the territory 6101
served by the agency but at which none of the arrests reported 6102
under division (C)(3)(a) of this section occurred; 6103

(c) The total number of dump sites and chemical caches 6104
that are, or that are reasonably believed to be, related to 6105
illegal methamphetamine manufacturing and that were discovered 6106
in that calendar year within the territory served by the agency. 6107

(4) The superintendent of the bureau of criminal identification and investigation shall prepare and furnish to each law enforcement agency in this state standard forms for making the annual reports required by division (C) (2) of this section. The standard forms that the superintendent prepares pursuant to this division may be in a tangible format, in an electronic format, or in both a tangible format and an electronic format.

(5) The annual report required by division (C) (2) of this section is separate from, and in addition to, any report, materials, or information required under division (A) of this section or under any other provision of sections 109.57 to 109.62 of the Revised Code.

Sec. 128.04. (A) Public safety answering point personnel who are certified as emergency service telecommunicators under section 4742.03 of the Revised Code shall receive training in informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section ~~2925.11-2925.04~~ or 2925.041 of the Revised Code.

(B) Public safety answering point personnel who receive a call about an apparent drug overdose shall make reasonable efforts, upon the caller's inquiry, to inform the caller about the immunity from prosecution for a minor drug possession offense created by section ~~2925.11-2925.04~~ or 2925.041 of the Revised Code.

Sec. 177.01. (A) The organized crime investigations commission, consisting of seven members, is hereby established in the office of the attorney general. One of the members shall be the attorney general. Of the remaining members, each of whom

shall be appointed by the governor with the advice and consent 6138
of the senate, two shall be prosecuting attorneys, two shall be 6139
county sheriffs, and two shall be chief municipal law 6140
enforcement officers. No more than four members of the 6141
commission shall be members of the same political party. 6142

Of the initial appointments to the commission, one member 6143
who is a prosecuting attorney and one who is a county sheriff 6144
each shall be appointed for terms ending September 3, 1987, one 6145
member who is a prosecuting attorney and one who is a chief 6146
municipal law enforcement officer each shall be appointed for 6147
terms ending September 3, 1988, and one member who is a county 6148
sheriff and one who is a chief municipal law enforcement officer 6149
each shall be appointed for terms ending September 3, 1989. 6150
Thereafter, terms of office of persons appointed to the 6151
commission shall be for three years, with each term ending on 6152
the same day of the same month of the year as did the term that 6153
it succeeds. Members may be reappointed. Each appointed member 6154
shall hold office from the date of the member's appointment 6155
until the end of the term for which the member was appointed, 6156
except that an appointed member who ceases to hold the office or 6157
position of prosecuting attorney, county sheriff, or chief 6158
municipal law enforcement officer prior to the expiration of the 6159
member's term of office on the commission shall cease to be a 6160
member of the commission on the date that the member ceases to 6161
hold the office or position. Vacancies shall be filled in the 6162
manner provided for original appointments. Any member appointed 6163
to fill a vacancy occurring prior to the expiration of the term 6164
for which the member's predecessor was appointed shall take 6165
office on the commission when the member is confirmed by the 6166
senate and shall hold office for the remainder of such term. Any 6167
member shall continue in office subsequent to the expiration 6168

date of the member's term until the member's successor takes 6169
office, or until a period of sixty days has elapsed, whichever 6170
occurs first. 6171

The attorney general shall become a member of the 6172
commission on September 3, 1986. Successors in office to that 6173
attorney general shall become members of the commission on the 6174
day they assume the office of attorney general. An attorney 6175
general's term of office as a member of the commission shall 6176
continue for as long as the person in question holds the office 6177
of attorney general. 6178

Each member of the commission may designate, in writing, 6179
another person to represent the member on the commission. If a 6180
member makes such a designation, either the member or the 6181
designee may perform the member's duties and exercise the 6182
member's authority on the commission. If a member makes such a 6183
designation, the member may revoke the designation by sending 6184
written notice of the revocation to the commission. Upon such a 6185
revocation, the member may designate a different person to 6186
represent the member on the commission by sending written notice 6187
of the designation to the commission at least two weeks prior to 6188
the date on which the new designation is to take effect. 6189

The attorney general or a person the attorney general 6190
designates pursuant to this division to represent the attorney 6191
general on the commission shall serve as chairperson of the 6192
commission. The commission shall meet within two weeks after all 6193
appointed members have been appointed, at a time and place 6194
determined by the governor. The commission shall organize by 6195
selecting a vice-chairperson and other officers who are 6196
necessary and shall adopt rules to govern its procedures. 6197
Thereafter, the commission shall meet at least once every six 6198

months, or more often upon the call of the chairperson or the 6199
written request of two or more members. Each member of the 6200
commission shall have one vote. Four members constitute a 6201
quorum, and four votes are required to validate an action of the 6202
commission. 6203

The members of the commission shall serve without 6204
compensation, but each member shall be reimbursed for actual and 6205
necessary expenses incurred in the performance of official 6206
duties. In the absence of the chairperson, the vice-chairperson 6207
shall perform the duties of the chairperson. 6208

(B) The commission shall coordinate investigations of 6209
organized criminal activity and perform all of the functions and 6210
duties relative to the investigations that are set forth in 6211
section 177.02 of the Revised Code, and it shall cooperate with 6212
departments and officers of the government of the United States 6213
in the suppression of organized criminal activity. 6214

(C) The commission shall appoint and fix the compensation 6215
of a director and such technical and clerical employees who are 6216
necessary to exercise the powers and carry out the duties of the 6217
commission, may enter into contracts with one or more 6218
consultants to assist in exercising those powers and carrying 6219
out those duties, and may enter into contracts and purchase any 6220
equipment necessary to the performance of its duties. The 6221
director and employees of the commission shall be members of the 6222
unclassified service as defined in section 124.11 of the Revised 6223
Code. The commission shall require the director and each 6224
employee, prior to commencing employment with the commission, to 6225
undergo an investigation for the purpose of obtaining a security 6226
clearance and, after the initial investigation, may require the 6227
director and each employee to undergo an investigation for that 6228

purpose at any time during the director's or employee's 6229
employment with the commission. The commission may require any 6230
consultant with whom it contracts to undergo an investigation 6231
for the purpose of obtaining a security clearance. An 6232
investigation under this division may include, but is not 6233
limited to, a polygraph examination and shall be conducted by an 6234
organization designated by the commission. 6235

(D) An appointed commission member may be removed from 6236
office as a member of the commission by the vote of four members 6237
of the commission or by the governor for any of the following 6238
reasons: 6239

(1) Neglect of duty, misconduct, incompetence, or 6240
malfeasance in office; 6241

(2) Conviction of or a plea of guilty to a felony or an 6242
offense of moral turpitude; 6243

(3) Being mentally ill or mentally incompetent; 6244

(4) Being the subject of an investigation by a task force 6245
established by the commission or another law enforcement agency, 6246
where the proof of criminal activity is evident or the 6247
presumption great; 6248

(5) Engaging in any activity or associating with any 6249
persons or organization inappropriate to the member's position 6250
as a member of the commission. 6251

(E) As used in sections 177.01 to 177.03 of the Revised 6252
Code: 6253

(1) "Organized criminal activity" means any combination or 6254
conspiracy to engage in activity that constitutes "engaging in a 6255
pattern of corrupt activity;" any violation, combination of 6256

violations, or conspiracy to commit one or more violations of 6257
section 2925.02, 2925.021, 2925.03, 2925.04, ~~2925.05, 2925.041,~~ 6258
2925.06, 2925.07, or ~~2925.11~~2925.08 of the Revised Code other 6259
than a violation of section ~~2925.11~~2925.04 or 2925.041 of the 6260
Revised Code that is a minor drug possession offense; or any 6261
criminal activity that relates to the corruption of a public 6262
official, as defined in section 2921.01 of the Revised Code, or 6263
of a public servant of the type described in division (B) (3) of 6264
that section. 6265

(2) A person is engaging in an activity that constitutes 6266
"engaging in a pattern of corrupt activity" if any of the 6267
following apply: 6268

(a) The person is or was employed by, or associated with, 6269
an enterprise and the person conducts or participates in, 6270
directly or indirectly, the affairs of the enterprise through a 6271
pattern of corrupt activity or the collection of an unlawful 6272
debt. 6273

(b) The person, through a pattern of corrupt activity or 6274
the collection of an unlawful debt, acquires or maintains, 6275
directly or indirectly, an interest in, or control of, an 6276
enterprise or real property. 6277

(c) The person knowingly has received proceeds derived, 6278
directly or indirectly, from a pattern of corrupt activity or 6279
the collection of an unlawful debt and the person uses or 6280
invests, directly or indirectly, a part of those proceeds, or 6281
proceeds derived from the use or investment of any of those 6282
proceeds, in the acquisition of title to, or a right, interest, 6283
or equity in, real property or the establishment or operation of 6284
an enterprise. A purchase of securities on the open market with 6285
intent to make an investment, without intent to control or 6286

participate in the control of the issuer, and without intent to 6287
assist another to do so is not an activity that constitutes 6288
"engaging in a pattern of corrupt activity" if the securities of 6289
the issuer held after the purchase by the purchaser, the members 6290
of the purchaser's immediate family, and the purchaser's or 6291
members' accomplices in any pattern of corrupt activity or the 6292
collection of an unlawful debt, do not aggregate one per cent of 6293
the outstanding securities of any one class of the issuer and do 6294
not confer, in law or in fact, the power to elect one or more 6295
directors of the issuer. 6296

(3) "Pattern of corrupt activity" means two or more 6297
incidents of corrupt activity, whether or not there has been a 6298
prior conviction, that are related to the affairs of the same 6299
enterprise, are not isolated, and are not so closely related to 6300
each other and connected in time and place that they constitute 6301
a single event. At least one of the incidents forming the 6302
pattern shall occur on or after September 3, 1986. Unless any 6303
incident was an aggravated murder or murder, the most recent of 6304
the incidents forming the pattern shall occur within six years 6305
after the commission of any prior incident forming the pattern, 6306
excluding any period of imprisonment served by any person 6307
engaging in the corrupt activity. 6308

(4) "Corrupt activity," "unlawful debt," "enterprise," 6309
"person," "real property," and "beneficial interest" have the 6310
same meanings as in section 2923.31 of the Revised Code. 6311

(5) "Minor drug possession offense" has the same meaning 6312
as in section 2925.01 of the Revised Code. 6313

Sec. 1547.11. (A) No person shall operate or be in 6314
physical control of any vessel underway or shall manipulate any 6315
water skis, aquaplane, or similar device on the waters in this 6316

state if, at the time of the operation, control, or 6317
manipulation, any of the following applies: 6318

(1) The person is under the influence of alcohol, a drug 6319
of abuse, or a combination of them. 6320

(2) The person has a concentration of eight-hundredths of 6321
one per cent or more by weight of alcohol per unit volume in the 6322
person's whole blood. 6323

(3) The person has a concentration of ninety-six- 6324
thousandths of one per cent or more by weight per unit volume of 6325
alcohol in the person's blood serum or plasma. 6326

(4) The person has a concentration of eleven-hundredths of 6327
one gram or more by weight of alcohol per one hundred 6328
milliliters of the person's urine. 6329

(5) The person has a concentration of eight-hundredths of 6330
one gram or more by weight of alcohol per two hundred ten liters 6331
of the person's breath. 6332

(6) Except as provided in division (H) of this section, 6333
the person has a concentration of any of the following 6334
controlled substances or metabolites of a controlled substance 6335
in the person's whole blood, blood serum or plasma, or urine 6336
that equals or exceeds any of the following: 6337

(a) The person has a concentration of amphetamine in the 6338
person's urine of at least five hundred nanograms of amphetamine 6339
per milliliter of the person's urine or has a concentration of 6340
amphetamine in the person's whole blood or blood serum or plasma 6341
of at least one hundred nanograms of amphetamine per milliliter 6342
of the person's whole blood or blood serum or plasma. 6343

(b) The person has a concentration of cocaine in the 6344

person's urine of at least one hundred fifty nanograms of 6345
cocaine per milliliter of the person's urine or has a 6346
concentration of cocaine in the person's whole blood or blood 6347
serum or plasma of at least fifty nanograms of cocaine per 6348
milliliter of the person's whole blood or blood serum or plasma. 6349

(c) The person has a concentration of cocaine metabolite 6350
in the person's urine of at least one hundred fifty nanograms of 6351
cocaine metabolite per milliliter of the person's urine or has a 6352
concentration of cocaine metabolite in the person's whole blood 6353
or blood serum or plasma of at least fifty nanograms of cocaine 6354
metabolite per milliliter of the person's whole blood or blood 6355
serum or plasma. 6356

(d) The person has a concentration of heroin in the 6357
person's urine of at least two thousand nanograms of heroin per 6358
milliliter of the person's urine or has a concentration of 6359
heroin in the person's whole blood or blood serum or plasma of 6360
at least fifty nanograms of heroin per milliliter of the 6361
person's whole blood or blood serum or plasma. 6362

(e) The person has a concentration of heroin metabolite 6363
(6-monoacetyl morphine) in the person's urine of at least ten 6364
nanograms of heroin metabolite (6-monoacetyl morphine) per 6365
milliliter of the person's urine or has a concentration of 6366
heroin metabolite (6-monoacetyl morphine) in the person's whole 6367
blood or blood serum or plasma of at least ten nanograms of 6368
heroin metabolite (6-monoacetyl morphine) per milliliter of the 6369
person's whole blood or blood serum or plasma. 6370

(f) The person has a concentration of L.S.D. in the 6371
person's urine of at least twenty-five nanograms of L.S.D. per 6372
milliliter of the person's urine or has a concentration of 6373
L.S.D. in the person's whole blood or blood serum or plasma of 6374

at least ten nanograms of L.S.D. per milliliter of the person's whole blood or blood serum or plasma.

(g) The person has a concentration of ~~marihuana~~marijuana in the person's urine of at least ten nanograms of ~~marihuana~~marijuana per milliliter of the person's urine or has a concentration of ~~marihuana~~marijuana in the person's whole blood or blood serum or plasma of at least two nanograms of ~~marihuana~~marijuana per milliliter of the person's whole blood or blood serum or plasma.

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

(i) Either of the following applies:

(i) The person is under the influence of alcohol, a drug of abuse, or a combination of them, and, as measured by gas chromatography mass spectrometry, the person has a concentration of ~~marihuana~~marijuana metabolite in the person's urine of at least fifteen nanograms of ~~marihuana~~marijuana metabolite per milliliter of the person's urine or has a concentration of ~~marihuana~~marijuana metabolite in the person's whole blood or

blood serum or plasma of at least five nanograms of ~~marihuana-~~ 6405
marijuana metabolite per milliliter of the person's whole blood 6406
or blood serum or plasma. 6407

(ii) As measured by gas chromatography mass spectrometry, 6408
the person has a concentration of ~~marihuana-~~marijuana metabolite 6409
in the person's urine of at least thirty-five nanograms of 6410
~~marihuana-~~marijuana metabolite per milliliter of the person's 6411
urine or has a concentration of ~~marihuana-~~marijuana metabolite 6412
in the person's whole blood or blood serum or plasma of at least 6413
fifty nanograms of ~~marihuana-~~marijuana metabolite per milliliter 6414
of the person's whole blood or blood serum or plasma. 6415

(j) The person has a concentration of methamphetamine in 6416
the person's urine of at least five hundred nanograms of 6417
methamphetamine per milliliter of the person's urine or has a 6418
concentration of methamphetamine in the person's whole blood or 6419
blood serum or plasma of at least one hundred nanograms of 6420
methamphetamine per milliliter of the person's whole blood or 6421
blood serum or plasma. 6422

(k) The person has a concentration of phencyclidine in the 6423
person's urine of at least twenty-five nanograms of 6424
phencyclidine per milliliter of the person's urine or has a 6425
concentration of phencyclidine in the person's whole blood or 6426
blood serum or plasma of at least ten nanograms of phencyclidine 6427
per milliliter of the person's whole blood or blood serum or 6428
plasma. 6429

(B) No person under twenty-one years of age shall operate 6430
or be in physical control of any vessel underway or shall 6431
manipulate any water skis, aquaplane, or similar device on the 6432
waters in this state if, at the time of the operation, control, 6433
or manipulation, any of the following applies: 6434

(1) The person has a concentration of at least two- 6435
hundredths of one per cent, but less than eight-hundredths of 6436
one per cent by weight per unit volume of alcohol in the 6437
person's whole blood. 6438

(2) The person has a concentration of at least three- 6439
hundredths of one per cent but less than ninety-six-thousandths 6440
of one per cent by weight per unit volume of alcohol in the 6441
person's blood serum or plasma. 6442

(3) The person has a concentration of at least twenty- 6443
eight one-thousandths of one gram, but less than eleven- 6444
hundredths of one gram by weight of alcohol per one hundred 6445
milliliters of the person's urine. 6446

(4) The person has a concentration of at least two- 6447
hundredths of one gram, but less than eight-hundredths of one 6448
gram by weight of alcohol per two hundred ten liters of the 6449
person's breath. 6450

(C) In any proceeding arising out of one incident, a 6451
person may be charged with a violation of division (A) (1) and a 6452
violation of division (B) (1), (2), (3), or (4) of this section, 6453
but the person shall not be convicted of more than one violation 6454
of those divisions. 6455

(D) (1) (a) In any criminal prosecution or juvenile court 6456
proceeding for a violation of division (A) or (B) of this 6457
section or for an equivalent offense that is watercraft-related, 6458
the result of any test of any blood or urine withdrawn and 6459
analyzed at any health care provider, as defined in section 6460
2317.02 of the Revised Code, may be admitted with expert 6461
testimony to be considered with any other relevant and competent 6462
evidence in determining the guilt or innocence of the defendant. 6463

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is watercraft-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's or child's whole blood, blood serum or plasma, urine, or breath at the time of the alleged violation as shown by chemical analysis of the substance withdrawn, or specimen taken within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (C) of section 1547.111 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 1547.111 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw blood for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division if, in that person's opinion, the physical welfare of the defendant or child would be endangered by

withdrawing blood. 6496

The whole blood, blood serum or plasma, urine, or breath 6497
withdrawn under division (D) (1) (b) of this section shall be 6498
analyzed in accordance with methods approved by the director of 6499
health by an individual possessing a valid permit issued by the 6500
director pursuant to section 3701.143 of the Revised Code. 6501

(2) In a criminal prosecution or juvenile court proceeding 6502
for a violation of division (A) of this section or for an 6503
equivalent offense that is watercraft-related, if there was at 6504
the time the bodily substance was taken a concentration of less 6505
than the applicable concentration of alcohol specified for a 6506
violation of division (A) (2), (3), (4), or (5) of this section 6507
or less than the applicable concentration of a listed controlled 6508
substance or a listed metabolite of a controlled substance 6509
specified for a violation of division (A) (6) of this section, 6510
that fact may be considered with other competent evidence in 6511
determining the guilt or innocence of the defendant or in making 6512
an adjudication for the child. This division does not limit or 6513
affect a criminal prosecution or juvenile court proceeding for a 6514
violation of division (B) of this section or for a violation of 6515
a prohibition that is substantially equivalent to that division. 6516

(3) Upon the request of the person who was tested, the 6517
results of the chemical test shall be made available to the 6518
person or the person's attorney immediately upon completion of 6519
the test analysis. 6520

If the chemical test was administered pursuant to division 6521
(D) (1) (b) of this section, the person tested may have a 6522
physician, a registered nurse, or a qualified technician, 6523
chemist, or phlebotomist of the person's own choosing administer 6524
a chemical test or tests in addition to any administered at the 6525

direction of a law enforcement officer, and shall be so advised. 6526
The failure or inability to obtain an additional test by a 6527
person shall not preclude the admission of evidence relating to 6528
the test or tests taken at the direction of a law enforcement 6529
officer. 6530

(E) (1) In any criminal prosecution or juvenile court 6531
proceeding for a violation of division (A) or (B) of this 6532
section, of a municipal ordinance relating to operating or being 6533
in physical control of any vessel underway or to manipulating 6534
any water skis, aquaplane, or similar device on the waters of 6535
this state while under the influence of alcohol, a drug of 6536
abuse, or a combination of them, or of a municipal ordinance 6537
relating to operating or being in physical control of any vessel 6538
underway or to manipulating any water skis, aquaplane, or 6539
similar device on the waters of this state with a prohibited 6540
concentration of alcohol, a controlled substance, or a 6541
metabolite of a controlled substance in the whole blood, blood 6542
serum or plasma, breath, or urine, if a law enforcement officer 6543
has administered a field sobriety test to the operator or person 6544
found to be in physical control of the vessel underway involved 6545
in the violation or the person manipulating the water skis, 6546
aquaplane, or similar device involved in the violation and if it 6547
is shown by clear and convincing evidence that the officer 6548
administered the test in substantial compliance with the testing 6549
standards for reliable, credible, and generally accepted field 6550
sobriety tests for vehicles that were in effect at the time the 6551
tests were administered, including, but not limited to, any 6552
testing standards then in effect that have been set by the 6553
national highway traffic safety administration, that by their 6554
nature are not clearly inapplicable regarding the operation or 6555
physical control of vessels underway or the manipulation of 6556

water skis, aquaplanes, or similar devices, all of the following 6557
apply: 6558

(a) The officer may testify concerning the results of the 6559
field sobriety test so administered. 6560

(b) The prosecution may introduce the results of the field 6561
sobriety test so administered as evidence in any proceedings in 6562
the criminal prosecution or juvenile court proceeding. 6563

(c) If testimony is presented or evidence is introduced 6564
under division (E) (1) (a) or (b) of this section and if the 6565
testimony or evidence is admissible under the Rules of Evidence, 6566
the court shall admit the testimony or evidence, and the trier 6567
of fact shall give it whatever weight the trier of fact 6568
considers to be appropriate. 6569

(2) Division (E) (1) of this section does not limit or 6570
preclude a court, in its determination of whether the arrest of 6571
a person was supported by probable cause or its determination of 6572
any other matter in a criminal prosecution or juvenile court 6573
proceeding of a type described in that division, from 6574
considering evidence or testimony that is not otherwise 6575
disallowed by division (E) (1) of this section. 6576

(F) (1) Subject to division (F) (3) of this section, in any 6577
criminal prosecution or juvenile court proceeding for a 6578
violation of division (A) or (B) of this section or for an 6579
equivalent offense that is substantially equivalent to either of 6580
those divisions, the court shall admit as prima-facie evidence a 6581
laboratory report from any laboratory personnel issued a permit 6582
by the department of health authorizing an analysis as described 6583
in this division that contains an analysis of the whole blood, 6584
blood serum or plasma, breath, urine, or other bodily substance 6585

tested and that contains all of the information specified in 6586
this division. The laboratory report shall contain all of the 6587
following: 6588

(a) The signature, under oath, of any person who performed 6589
the analysis; 6590

(b) Any findings as to the identity and quantity of 6591
alcohol, a drug of abuse, a controlled substance, a metabolite 6592
of a controlled substance, or a combination of them that was 6593
found; 6594

(c) A copy of a notarized statement by the laboratory 6595
director or a designee of the director that contains the name of 6596
each certified analyst or test performer involved with the 6597
report, the analyst's or test performer's employment 6598
relationship with the laboratory that issued the report, and a 6599
notation that performing an analysis of the type involved is 6600
part of the analyst's or test performer's regular duties; 6601

(d) An outline of the analyst's or test performer's 6602
education, training, and experience in performing the type of 6603
analysis involved and a certification that the laboratory 6604
satisfies appropriate quality control standards in general and, 6605
in this particular analysis, under rules of the department of 6606
health. 6607

(2) Notwithstanding any other provision of law regarding 6608
the admission of evidence, a report of the type described in 6609
division (F)(1) of this section is not admissible against the 6610
defendant or child to whom it pertains in any proceeding, other 6611
than a preliminary hearing or a grand jury proceeding, unless 6612
the prosecutor has served a copy of the report on the 6613
defendant's or child's attorney or, if the defendant or child 6614

has no attorney, on the defendant or child. 6615

(3) A report of the type described in division (F) (1) of 6616
this section shall not be prima-facie evidence of the contents, 6617
identity, or amount of any substance if, within seven days after 6618
the defendant or child to whom the report pertains or the 6619
defendant's or child's attorney receives a copy of the report, 6620
the defendant or child or the defendant's or child's attorney 6621
demands the testimony of the person who signed the report. The 6622
judge in the case may extend the seven-day time limit in the 6623
interest of justice. 6624

(G) Except as otherwise provided in this division, any 6625
physician, registered nurse, emergency medical technician- 6626
intermediate, emergency medical technician-paramedic, or 6627
qualified technician, chemist, or phlebotomist who withdraws 6628
blood from a person pursuant to this section or section 1547.111 6629
of the Revised Code, and a hospital, first-aid station, or 6630
clinic at which blood is withdrawn from a person pursuant to 6631
this section or section 1547.111 of the Revised Code, is immune 6632
from criminal and civil liability based upon a claim of assault 6633
and battery or any other claim that is not a claim of 6634
malpractice, for any act performed in withdrawing blood from the 6635
person. The immunity provided in this division also extends to 6636
an emergency medical service organization that employs an 6637
emergency medical technician-intermediate, or an emergency 6638
medical technician-paramedic who withdraws blood under this 6639
section. The immunity provided in this division is not available 6640
to a person who withdraws blood if the person engages in willful 6641
or wanton misconduct. 6642

(H) Division (A) (6) of this section does not apply to a 6643
person who operates or is in physical control of a vessel 6644

underway or manipulates any water skis, aquaplane, or similar 6645
device while the person has a concentration of a listed 6646
controlled substance or a listed metabolite of a controlled 6647
substance in the person's whole blood, blood serum or plasma, or 6648
urine that equals or exceeds the amount specified in that 6649
division, if both of the following apply: 6650

(1) The person obtained the controlled substance pursuant 6651
to a prescription issued by a licensed health professional 6652
authorized to prescribe drugs. 6653

(2) The person injected, ingested, or inhaled the 6654
controlled substance in accordance with the health 6655
professional's directions. 6656

(I) As used in this section and section 1547.111 of the 6657
Revised Code: 6658

(1) "Equivalent offense" has the same meaning as in 6659
section 4511.181 of the Revised Code. 6660

(2) "National highway traffic safety administration" has 6661
the same meaning as in section 4511.19 of the Revised Code. 6662

(3) "Operate" means that a vessel is being used on the 6663
waters in this state when the vessel is not securely affixed to 6664
a dock or to shore or to any permanent structure to which the 6665
vessel has the right to affix or that a vessel is not anchored 6666
in a designated anchorage area or boat camping area that is 6667
established by the United States coast guard, this state, or a 6668
political subdivision and in which the vessel has the right to 6669
anchor. 6670

(4) "Controlled substance" and "~~marihuana~~marijuana" have 6671
the same meanings as in section 3719.01 of the Revised Code. 6672

(5) "Cocaine" and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code. 6673
6674

(6) "Equivalent offense that is watercraft-related" means an equivalent offense that is one of the following: 6675
6676

(a) A violation of division (A) or (B) of this section; 6677

(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine; 6678
6679
6680
6681
6682
6683
6684
6685
6686
6687
6688

(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of this section; 6689
6690
6691
6692

(d) A violation of a former law of this state that was substantially equivalent to division (A) or (B) of this section. 6693
6694

(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code. 6695
6696
6697

Sec. 1901.186. (A) As used in this section: 6698

(1) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code. 6699
6700

(2) "Offense of violence" has the same meaning as in 6701
section 2901.01 of the Revised Code. 6702

(3) "Informant" means a person who is assisting a law 6703
enforcement agency in a criminal investigation by purchasing 6704
controlled substances from others in return for compensation 6705
from the law enforcement agency. 6706

(B) In addition to all other jurisdictions granted a 6707
municipal court in this chapter, except as provided in division 6708
(C) of this section, the Tiffin-Fostoria municipal court has 6709
concurrent jurisdiction with the Seneca county court of common 6710
pleas in all criminal actions or proceedings to which both of 6711
the following apply: 6712

(1) The court finds that the offender's addiction to a 6713
drug of abuse was the primary factor leading to the offender's 6714
commission of the offense charged. 6715

(2) The offender is admitted to participate in the 6716
participating in victory of transition (PIVOT) drug recovery 6717
program. 6718

(C) The Tiffin-Fostoria municipal court does not have 6719
concurrent jurisdiction with the Seneca county court of common 6720
pleas in a criminal action or proceeding when any of the 6721
following applies: 6722

(1) The defendant is not a resident of Seneca county. 6723

(2) The defendant is charged with a felony offense of 6724
violence. 6725

(3) The defendant is charged with a felony sex offense or 6726
has a duty to comply with sections 2950.04, 2950.041, 2950.05, 6727
and 2950.06 of the Revised Code. 6728

(4) The defendant is charged with a felony violation of 6729
section ~~2925.04~~2925.06 or ~~2925.041~~2925.061 of the Revised 6730
Code. 6731

(5) The defendant is under a community control sanction or 6732
post-release control sanction imposed by another court or is on 6733
parole or probation under the supervision of another 6734
jurisdiction. 6735

(6) Criminal proceedings are pending against the defendant 6736
for a felony offense in another jurisdiction. 6737

(7) The defendant is serving a prison term imposed by 6738
another court. 6739

(8) The defendant is engaged as an informant for a law 6740
enforcement agency. 6741

(D) The concurrent jurisdiction granted by this section 6742
shall expire five years after ~~the effective date of this section~~ 6743
August 1, 2018, unless renewed or made permanent by the general 6744
assembly prior to its expiration. 6745

Sec. 2151.414. (A) (1) Upon the filing of a motion pursuant 6746
to section 2151.413 of the Revised Code for permanent custody of 6747
a child, the court shall schedule a hearing and give notice of 6748
the filing of the motion and of the hearing, in accordance with 6749
section 2151.29 of the Revised Code, to all parties to the 6750
action and to the child's guardian ad litem. The notice also 6751
shall contain a full explanation that the granting of permanent 6752
custody permanently divests the parents of their parental 6753
rights, a full explanation of their right to be represented by 6754
counsel and to have counsel appointed pursuant to Chapter 120. 6755
of the Revised Code if they are indigent, and the name and 6756
telephone number of the court employee designated by the court 6757

pursuant to section 2151.314 of the Revised Code to arrange for 6758
the prompt appointment of counsel for indigent persons. 6759

The court shall conduct a hearing in accordance with 6760
section 2151.35 of the Revised Code to determine if it is in the 6761
best interest of the child to permanently terminate parental 6762
rights and grant permanent custody to the agency that filed the 6763
motion. The adjudication that the child is an abused, neglected, 6764
or dependent child and any dispositional order that has been 6765
issued in the case under section 2151.353 of the Revised Code 6766
pursuant to the adjudication shall not be readjudicated at the 6767
hearing and shall not be affected by a denial of the motion for 6768
permanent custody. 6769

(2) The court shall hold the hearing scheduled pursuant to 6770
division (A)(1) of this section not later than one hundred 6771
twenty days after the agency files the motion for permanent 6772
custody, except that, for good cause shown, the court may 6773
continue the hearing for a reasonable period of time beyond the 6774
one-hundred-twenty-day deadline. The court shall issue an order 6775
that grants, denies, or otherwise disposes of the motion for 6776
permanent custody, and journalize the order, not later than two 6777
hundred days after the agency files the motion. 6778

If a motion is made under division (D)(2) of section 6779
2151.413 of the Revised Code and no dispositional hearing has 6780
been held in the case, the court may hear the motion in the 6781
dispositional hearing required by division (B) of section 6782
2151.35 of the Revised Code. If the court issues an order 6783
pursuant to section 2151.353 of the Revised Code granting 6784
permanent custody of the child to the agency, the court shall 6785
immediately dismiss the motion made under division (D)(2) of 6786
section 2151.413 of the Revised Code. 6787

The failure of the court to comply with the time periods 6788
set forth in division (A) (2) of this section does not affect the 6789
authority of the court to issue any order under this chapter and 6790
does not provide any basis for attacking the jurisdiction of the 6791
court or the validity of any order of the court. 6792

(B) (1) Except as provided in division (B) (2) of this 6793
section, the court may grant permanent custody of a child to a 6794
movant if the court determines at the hearing held pursuant to 6795
division (A) of this section, by clear and convincing evidence, 6796
that it is in the best interest of the child to grant permanent 6797
custody of the child to the agency that filed the motion for 6798
permanent custody and that any of the following apply: 6799

(a) The child is not abandoned or orphaned, has not been 6800
in the temporary custody of one or more public children services 6801
agencies or private child placing agencies for twelve or more 6802
months of a consecutive twenty-two-month period, or has not been 6803
in the temporary custody of one or more public children services 6804
agencies or private child placing agencies for twelve or more 6805
months of a consecutive twenty-two-month period if, as described 6806
in division (D) (1) of section 2151.413 of the Revised Code, the 6807
child was previously in the temporary custody of an equivalent 6808
agency in another state, and the child cannot be placed with 6809
either of the child's parents within a reasonable time or should 6810
not be placed with the child's parents. 6811

(b) The child is abandoned. 6812

(c) The child is orphaned, and there are no relatives of 6813
the child who are able to take permanent custody. 6814

(d) The child has been in the temporary custody of one or 6815
more public children services agencies or private child placing 6816

agencies for twelve or more months of a consecutive twenty-two- 6817
month period, or the child has been in the temporary custody of 6818
one or more public children services agencies or private child 6819
placing agencies for twelve or more months of a consecutive 6820
twenty-two-month period and, as described in division (D) (1) of 6821
section 2151.413 of the Revised Code, the child was previously 6822
in the temporary custody of an equivalent agency in another 6823
state. 6824

(e) The child or another child in the custody of the 6825
parent or parents from whose custody the child has been removed 6826
has been adjudicated an abused, neglected, or dependent child on 6827
three separate occasions by any court in this state or another 6828
state. 6829

For the purposes of division (B) (1) of this section, a 6830
child shall be considered to have entered the temporary custody 6831
of an agency on the earlier of the date the child is adjudicated 6832
pursuant to section 2151.28 of the Revised Code or the date that 6833
is sixty days after the removal of the child from home. 6834

(2) With respect to a motion made pursuant to division (D) 6835
(2) of section 2151.413 of the Revised Code, the court shall 6836
grant permanent custody of the child to the movant if the court 6837
determines in accordance with division (E) of this section that 6838
the child cannot be placed with one of the child's parents 6839
within a reasonable time or should not be placed with either 6840
parent and determines in accordance with division (D) of this 6841
section that permanent custody is in the child's best interest. 6842

(C) In making the determinations required by this section 6843
or division (A) (4) of section 2151.353 of the Revised Code, a 6844
court shall not consider the effect the granting of permanent 6845
custody to the agency would have upon any parent of the child. A 6846

written report of the guardian ad litem of the child shall be 6847
submitted to the court prior to or at the time of the hearing 6848
held pursuant to division (A) of this section or section 2151.35 6849
of the Revised Code but shall not be submitted under oath. 6850

If the court grants permanent custody of a child to a 6851
movant under this division, the court, upon the request of any 6852
party, shall file a written opinion setting forth its findings 6853
of fact and conclusions of law in relation to the proceeding. 6854
The court shall not deny an agency's motion for permanent 6855
custody solely because the agency failed to implement any 6856
particular aspect of the child's case plan. 6857

(D) (1) In determining the best interest of a child at a 6858
hearing held pursuant to division (A) of this section or for the 6859
purposes of division (A) (4) or (5) of section 2151.353 or 6860
division (C) of section 2151.415 of the Revised Code, the court 6861
shall consider all relevant factors, including, but not limited 6862
to, the following: 6863

(a) The interaction and interrelationship of the child 6864
with the child's parents, siblings, relatives, foster caregivers 6865
and out-of-home providers, and any other person who may 6866
significantly affect the child; 6867

(b) The wishes of the child, as expressed directly by the 6868
child or through the child's guardian ad litem, with due regard 6869
for the maturity of the child; 6870

(c) The custodial history of the child, including whether 6871
the child has been in the temporary custody of one or more 6872
public children services agencies or private child placing 6873
agencies for twelve or more months of a consecutive twenty-two- 6874
month period, or the child has been in the temporary custody of 6875

one or more public children services agencies or private child placing agencies for twelve or more months of a consecutive twenty-two-month period and, as described in division (D) (1) of section 2151.413 of the Revised Code, the child was previously in the temporary custody of an equivalent agency in another state;

(d) The child's need for a legally secure permanent placement and whether that type of placement can be achieved without a grant of permanent custody to the agency;

(e) Whether any of the factors in divisions (E) (7) to (11) of this section apply in relation to the parents and child.

For the purposes of division (D) (1) of this section, a child shall be considered to have entered the temporary custody of an agency on the earlier of the date the child is adjudicated pursuant to section 2151.28 of the Revised Code or the date that is sixty days after the removal of the child from home.

(2) If all of the following apply, permanent custody is in the best interest of the child, and the court shall commit the child to the permanent custody of a public children services agency or private child placing agency:

(a) The court determines by clear and convincing evidence that one or more of the factors in division (E) of this section exist and the child cannot be placed with one of the child's parents within a reasonable time or should not be placed with either parent.

(b) The child has been in an agency's custody for two years or longer, and no longer qualifies for temporary custody pursuant to division (D) of section 2151.415 of the Revised Code.

(c) The child does not meet the requirements for a planned permanent living arrangement pursuant to division (A) (5) of section 2151.353 of the Revised Code.

(d) Prior to the dispositional hearing, no relative or other interested person has filed, or has been identified in, a motion for legal custody of the child.

(E) In determining at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) of section 2151.353 of the Revised Code whether a child cannot be placed with either parent within a reasonable period of time or should not be placed with the parents, the court shall consider all relevant evidence. If the court determines, by clear and convincing evidence, at a hearing held pursuant to division (A) of this section or for the purposes of division (A) (4) of section 2151.353 of the Revised Code that one or more of the following exist as to each of the child's parents, the court shall enter a finding that the child cannot be placed with either parent within a reasonable time or should not be placed with either parent:

(1) Following the placement of the child outside the child's home and notwithstanding reasonable case planning and diligent efforts by the agency to assist the parents to remedy the problems that initially caused the child to be placed outside the home, the parent has failed continuously and repeatedly to substantially remedy the conditions causing the child to be placed outside the child's home. In determining whether the parents have substantially remedied those conditions, the court shall consider parental utilization of medical, psychiatric, psychological, and other social and rehabilitative services and material resources that were made

available to the parents for the purpose of changing parental 6935
conduct to allow them to resume and maintain parental duties. 6936

(2) Chronic mental illness, chronic emotional illness, 6937
intellectual disability, physical disability, or chemical 6938
dependency of the parent that is so severe that it makes the 6939
parent unable to provide an adequate permanent home for the 6940
child at the present time and, as anticipated, within one year 6941
after the court holds the hearing pursuant to division (A) of 6942
this section or for the purposes of division (A)(4) of section 6943
2151.353 of the Revised Code; 6944

(3) The parent committed any abuse as described in section 6945
2151.031 of the Revised Code against the child, caused the child 6946
to suffer any neglect as described in section 2151.03 of the 6947
Revised Code, or allowed the child to suffer any neglect as 6948
described in section 2151.03 of the Revised Code between the 6949
date that the original complaint alleging abuse or neglect was 6950
filed and the date of the filing of the motion for permanent 6951
custody; 6952

(4) The parent has demonstrated a lack of commitment 6953
toward the child by failing to regularly support, visit, or 6954
communicate with the child when able to do so, or by other 6955
actions showing an unwillingness to provide an adequate 6956
permanent home for the child; 6957

(5) The parent is incarcerated for an offense committed 6958
against the child or a sibling of the child; 6959

(6) The parent has been convicted of or pleaded guilty to 6960
an offense under division (A) or (C) of section 2919.22 or under 6961
section 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.03, 6962
2905.04, 2905.05, 2907.07, 2907.08, 2907.09, 2907.12, 2907.23, 6963

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 6964
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.24, 2919.25, 6965
2923.12, 2923.13, 2923.161, ~~2925.02~~, 2925.05, or 3716.11 of the 6966
Revised Code, and the child or a sibling of the child was a 6967
victim of the offense, or the parent has been convicted of or 6968
pleaded guilty to an offense under section 2903.04 of the 6969
Revised Code, a sibling of the child was the victim of the 6970
offense, and the parent who committed the offense poses an 6971
ongoing danger to the child or a sibling of the child. 6972

(7) The parent has been convicted of or pleaded guilty to 6973
one of the following: 6974

(a) An offense under section 2903.01, 2903.02, or 2903.03 6975
of the Revised Code or under an existing or former law of this 6976
state, any other state, or the United States that is 6977
substantially equivalent to an offense described in those 6978
sections and the victim of the offense was a sibling of the 6979
child or the victim was another child who lived in the parent's 6980
household at the time of the offense; 6981

(b) An offense under section 2903.11, 2903.12, or 2903.13 6982
of the Revised Code or under an existing or former law of this 6983
state, any other state, or the United States that is 6984
substantially equivalent to an offense described in those 6985
sections and the victim of the offense is the child, a sibling 6986
of the child, or another child who lived in the parent's 6987
household at the time of the offense; 6988

(c) An offense under division (B) (2) of section 2919.22 of 6989
the Revised Code or under an existing or former law of this 6990
state, any other state, or the United States that is 6991
substantially equivalent to the offense described in that 6992
section and the child, a sibling of the child, or another child 6993

who lived in the parent's household at the time of the offense 6994
is the victim of the offense; 6995

(d) An offense under section 2907.02, 2907.03, 2907.04, 6996
2907.05, or 2907.06 of the Revised Code or under an existing or 6997
former law of this state, any other state, or the United States 6998
that is substantially equivalent to an offense described in 6999
those sections and the victim of the offense is the child, a 7000
sibling of the child, or another child who lived in the parent's 7001
household at the time of the offense; 7002

(e) An offense under section 2905.32, 2907.21, or 2907.22 7003
of the Revised Code or under an existing or former law of this 7004
state, any other state, or the United States that is 7005
substantially equivalent to the offense described in that 7006
section and the victim of the offense is the child, a sibling of 7007
the child, or another child who lived in the parent's household 7008
at the time of the offense; 7009

(f) A conspiracy or attempt to commit, or complicity in 7010
committing, an offense described in division (E) (7) (a), (d), or 7011
(e) of this section. 7012

(8) The parent has repeatedly withheld medical treatment 7013
or food from the child when the parent has the means to provide 7014
the treatment or food, and, in the case of withheld medical 7015
treatment, the parent withheld it for a purpose other than to 7016
treat the physical or mental illness or defect of the child by 7017
spiritual means through prayer alone in accordance with the 7018
tenets of a recognized religious body. 7019

(9) The parent has placed the child at substantial risk of 7020
harm two or more times due to alcohol or drug abuse and has 7021
rejected treatment two or more times or refused to participate 7022

in further treatment two or more times after a case plan issued 7023
pursuant to section 2151.412 of the Revised Code requiring 7024
treatment of the parent was journalized as part of a 7025
dispositional order issued with respect to the child or an order 7026
was issued by any other court requiring treatment of the parent. 7027

(10) The parent has abandoned the child. 7028

(11) The parent has had parental rights involuntarily 7029
terminated with respect to a sibling of the child pursuant to 7030
this section or section 2151.353 or 2151.415 of the Revised 7031
Code, or under an existing or former law of this state, any 7032
other state, or the United States that is substantially 7033
equivalent to those sections, and the parent has failed to 7034
provide clear and convincing evidence to prove that, 7035
notwithstanding the prior termination, the parent can provide a 7036
legally secure permanent placement and adequate care for the 7037
health, welfare, and safety of the child. 7038

(12) The parent is incarcerated at the time of the filing 7039
of the motion for permanent custody or the dispositional hearing 7040
of the child and will not be available to care for the child for 7041
at least eighteen months after the filing of the motion for 7042
permanent custody or the dispositional hearing. 7043

(13) The parent is repeatedly incarcerated, and the 7044
repeated incarceration prevents the parent from providing care 7045
for the child. 7046

(14) The parent for any reason is unwilling to provide 7047
food, clothing, shelter, and other basic necessities for the 7048
child or to prevent the child from suffering physical, 7049
emotional, or sexual abuse or physical, emotional, or mental 7050
neglect. 7051

(15) The parent has committed abuse as described in 7052
section 2151.031 of the Revised Code against the child or caused 7053
or allowed the child to suffer neglect as described in section 7054
2151.03 of the Revised Code, and the court determines that the 7055
seriousness, nature, or likelihood of recurrence of the abuse or 7056
neglect makes the child's placement with the child's parent a 7057
threat to the child's safety. 7058

(16) Any other factor the court considers relevant. 7059

(F) The parents of a child for whom the court has issued 7060
an order granting permanent custody pursuant to this section, 7061
upon the issuance of the order, cease to be parties to the 7062
action. This division is not intended to eliminate or restrict 7063
any right of the parents to appeal the granting of permanent 7064
custody of their child to a movant pursuant to this section. 7065

Sec. 2152.021. (A) (1) Subject to division (A) (2) of this 7066
section, any person having knowledge of a child who appears to 7067
be a juvenile traffic offender or to be a delinquent child may 7068
file a sworn complaint with respect to that child in the 7069
juvenile court of the county in which the child has a residence 7070
or legal settlement or in which the traffic offense or 7071
delinquent act allegedly occurred. The sworn complaint may be 7072
upon information and belief, and, in addition to the allegation 7073
that the child is a delinquent child or a juvenile traffic 7074
offender, the complaint shall allege the particular facts upon 7075
which the allegation that the child is a delinquent child or a 7076
juvenile traffic offender is based. 7077

If a child appears to be a delinquent child who is 7078
eligible for a serious youthful offender dispositional sentence 7079
under section 2152.11 of the Revised Code and if the prosecuting 7080
attorney desires to seek a serious youthful offender 7081

dispositional sentence under section 2152.13 of the Revised Code 7082
in regard to the child, the prosecuting attorney of the county 7083
in which the alleged delinquency occurs may initiate a case in 7084
the juvenile court of the county by presenting the case to a 7085
grand jury for indictment, by charging the child in a bill of 7086
information as a serious youthful offender pursuant to section 7087
2152.13 of the Revised Code, by requesting a serious youthful 7088
offender dispositional sentence in the original complaint 7089
alleging that the child is a delinquent child, or by filing with 7090
the juvenile court a written notice of intent to seek a serious 7091
youthful offender dispositional sentence. This paragraph does 7092
not apply regarding the imposition of a serious youthful 7093
offender dispositional sentence pursuant to section 2152.121 of 7094
the Revised Code. 7095

(2) Any person having knowledge of a child who appears to 7096
be a delinquent child for violating a court order regarding the 7097
child's adjudication as an unruly child for being an habitual 7098
truant, may file a sworn complaint with respect to that child, 7099
or with respect to that child and the parent, guardian, or other 7100
person having care of the child, in the juvenile court of the 7101
county in which the child has a residence or legal settlement or 7102
in which the child is supposed to attend public school. The 7103
sworn complaint may be upon information and belief and shall 7104
allege that the child is a delinquent child for violating a 7105
court order regarding the child's prior adjudication as an 7106
unruly child for being a habitual truant and, in addition, the 7107
particular facts upon which that allegation is based. If the 7108
complaint contains allegations regarding the child's parent, 7109
guardian, or other person having care of the child, the 7110
complaint additionally shall allege that the parent, guardian, 7111
or other person having care of the child has failed to cause the 7112

child's attendance at school in violation of section 3321.38 of 7113
the Revised Code and, in addition, the particular facts upon 7114
which that allegation is based. 7115

(B) Any person with standing under applicable law may file 7116
a complaint for the determination of any other matter over which 7117
the juvenile court is given jurisdiction by section 2151.23 of 7118
the Revised Code. The complaint shall be filed in the county in 7119
which the child who is the subject of the complaint is found or 7120
was last known to be found. 7121

(C) Within ten days after the filing of a complaint or the 7122
issuance of an indictment, the court shall give written notice 7123
of the filing of the complaint or the issuance of an indictment 7124
and of the substance of the complaint or indictment to the 7125
superintendent of a city, local, exempted village, or joint 7126
vocational school district if the complaint or indictment 7127
alleges that a child committed an act that would be a criminal 7128
offense if committed by an adult, that the child was sixteen 7129
years of age or older at the time of the commission of the 7130
alleged act, and that the alleged act is any of the following: 7131

(1) A violation of section 2923.122 of the Revised Code 7132
that relates to property owned or controlled by, or to an 7133
activity held under the auspices of, the board of education of 7134
that school district; 7135

(2) A violation of section 2923.12 of the Revised Code, of 7136
a substantially similar municipal ordinance, or of section 7137
2925.02, 2925.021, or 2925.03 of the Revised Code that was 7138
committed on property owned or controlled by, or at an activity 7139
held under the auspices of, the board of education of that 7140
school district; 7141

(3) A violation of section ~~2925.11~~2925.04 or 2925.041 of 7142
the Revised Code that was committed on property owned or 7143
controlled by, or at an activity held under the auspices of, the 7144
board of education of that school district, other than a 7145
violation of that section that would be a minor drug possession 7146
offense if committed by an adult; 7147

(4) A violation of section 2903.01, 2903.02, 2903.03, 7148
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 of the Revised 7149
Code, or a violation of former section 2907.12 of the Revised 7150
Code, that was committed on property owned or controlled by, or 7151
at an activity held under the auspices of, the board of 7152
education of that school district, if the victim at the time of 7153
the commission of the alleged act was an employee of the board 7154
of education of that school district; 7155

(5) Complicity in any violation described in division (C) 7156
(1), (2), (3), or (4) of this section that was alleged to have 7157
been committed in the manner described in division (C) (1), (2), 7158
(3), or (4) of this section, regardless of whether the act of 7159
complicity was committed on property owned or controlled by, or 7160
at an activity held under the auspices of, the board of 7161
education of that school district. 7162

(D) A public children services agency, acting pursuant to 7163
a complaint or an action on a complaint filed under this 7164
section, is not subject to the requirements of section 3127.23 7165
of the Revised Code. 7166

(E) For purposes of the record to be maintained by the 7167
clerk under division (B) of section 2152.71 of the Revised Code, 7168
when a complaint is filed that alleges that a child is a 7169
delinquent child, the court shall determine if the victim of the 7170
alleged delinquent act was sixty-five years of age or older or 7171

permanently and totally disabled at the time of the alleged 7172
commission of the act. 7173

(F) (1) At any time after the filing of a complaint 7174
alleging that a child is a delinquent child and before 7175
adjudication, the court may hold a hearing to determine whether 7176
to hold the complaint in abeyance pending the child's successful 7177
completion of actions that constitute a method to divert the 7178
child from the juvenile court system if the child agrees to the 7179
hearing and either of the following applies: 7180

(a) The act charged would be a violation of section 7181
2907.24, 2907.241, or 2907.25 of the Revised Code if the child 7182
were an adult. 7183

(b) The court has reason to believe that the child is a 7184
victim of a violation of section 2905.32 of the Revised Code, 7185
regardless of whether any person has been convicted of a 7186
violation of that section or of any other section for 7187
victimizing the child, and the act charged is related to the 7188
child's victimization. 7189

(2) The prosecuting attorney has the right to participate 7190
in any hearing held under division (F) (1) of this section, to 7191
object to holding the complaint that is the subject of the 7192
hearing in abeyance, and to make recommendations related to 7193
diversion actions. No statement made by a child at a hearing 7194
held under division (F) (1) of this section is admissible in any 7195
subsequent proceeding against the child. 7196

(3) If either division (F) (1) (a) or (b) of this section 7197
applies, the court shall promptly appoint a guardian ad litem 7198
for the child. The court shall not appoint the child's attorney 7199
as guardian ad litem. If the court decides to hold the complaint 7200

in abeyance, the guardian ad litem shall make recommendations 7201
that are in the best interest of the child to the court. 7202

(4) If after a hearing the court decides to hold the 7203
complaint in abeyance, the court may make any orders regarding 7204
placement, services, supervision, diversion actions, and 7205
conditions of abeyance, including, but not limited to, 7206
engagement in trauma-based behavioral health services or 7207
education activities, that the court considers appropriate and 7208
in the best interest of the child. The court may hold the 7209
complaint in abeyance for up to ninety days while the child 7210
engages in diversion actions. If the child violates the 7211
conditions of abeyance or does not complete the diversion 7212
actions to the court's satisfaction within ninety days, the 7213
court may extend the period of abeyance for not more than two 7214
additional ninety-day periods. 7215

(5) If the court holds the complaint in abeyance and the 7216
child complies with the conditions of abeyance and completes the 7217
diversion actions to the court's satisfaction, the court shall 7218
dismiss the complaint and order that the records pertaining to 7219
the case be expunged immediately. If the child fails to complete 7220
the diversion actions to the court's satisfaction, the court 7221
shall proceed upon the complaint. 7222

Sec. 2152.18. (A) When a juvenile court commits a 7223
delinquent child to the custody of the department of youth 7224
services pursuant to this chapter, the court shall not designate 7225
the specific institution in which the department is to place the 7226
child but instead shall specify that the child is to be 7227
institutionalized in a secure facility. 7228

(B) When a juvenile court commits a delinquent child to 7229
the custody of the department of youth services pursuant to this 7230

chapter, the court shall state in the order of commitment the 7231
total number of days that the child has been confined in 7232
connection with the delinquent child complaint upon which the 7233
order of commitment is based. The court shall not include days 7234
that the child has been under electronic monitoring or house 7235
arrest or days that the child has been confined in a halfway 7236
house. The department shall reduce the minimum period of 7237
institutionalization that was ordered by both the total number 7238
of days that the child has been so confined as stated by the 7239
court in the order of commitment and the total number of any 7240
additional days that the child has been confined subsequent to 7241
the order of commitment but prior to the transfer of physical 7242
custody of the child to the department. 7243

(C) (1) When a juvenile court commits a delinquent child to 7244
the custody of the department of youth services pursuant to this 7245
chapter, the court shall provide the department with the child's 7246
medical records, a copy of the report of any mental examination 7247
of the child ordered by the court, the Revised Code section or 7248
sections the child violated and the degree of each violation, 7249
the warrant to convey the child to the department, a copy of the 7250
court's journal entry ordering the commitment of the child to 7251
the legal custody of the department, a copy of the arrest record 7252
pertaining to the act for which the child was adjudicated a 7253
delinquent child, a copy of any victim impact statement 7254
pertaining to the act, and any other information concerning the 7255
child that the department reasonably requests. The court also 7256
shall complete the form for the standard predisposition 7257
investigation report that the department furnishes pursuant to 7258
section 5139.04 of the Revised Code and provide the department 7259
with the completed form. 7260

The department may refuse to accept physical custody of a 7261

delinquent child who is committed to the legal custody of the 7262
department until the court provides to the department the 7263
documents specified in this division. No officer or employee of 7264
the department who refuses to accept physical custody of a 7265
delinquent child who is committed to the legal custody of the 7266
department shall be subject to prosecution or contempt of court 7267
for the refusal if the court fails to provide the documents 7268
specified in this division at the time the court transfers the 7269
physical custody of the child to the department. 7270

(2) Within twenty working days after the department of 7271
youth services receives physical custody of a delinquent child 7272
from a juvenile court, the court shall provide the department 7273
with a certified copy of the child's birth certificate and the 7274
child's social security number or, if the court made all 7275
reasonable efforts to obtain the information but was 7276
unsuccessful, with documentation of the efforts it made to 7277
obtain the information. 7278

(3) If an officer is preparing pursuant to section 2947.06 7279
or 2951.03 of the Revised Code or Criminal Rule 32.2 a 7280
presentence investigation report pertaining to a person, the 7281
department shall make available to the officer, for use in 7282
preparing the report, any records or reports it possesses 7283
regarding that person that it received from a juvenile court 7284
pursuant to division (C) (1) of this section or that pertain to 7285
the treatment of that person after the person was committed to 7286
the custody of the department as a delinquent child. 7287

(D) (1) Within ten days after an adjudication that a child 7288
is a delinquent child, the court shall give written notice of 7289
the adjudication to the superintendent of a city, local, 7290
exempted village, or joint vocational school district, and to 7291

the principal of the school the child attends, if the basis of 7292
the adjudication was the commission of an act that would be a 7293
criminal offense if committed by an adult, if the act was 7294
committed by the delinquent child when the child was fourteen 7295
years of age or older, and if the act is any of the following: 7296

(a) An act that would be a felony or an offense of 7297
violence if committed by an adult, an act in the commission of 7298
which the child used or brandished a firearm, or an act that is 7299
a violation of section 2907.06, 2907.07, 2907.08, 2907.09, 7300
2907.24, or 2907.241 of the Revised Code and that would be a 7301
misdemeanor if committed by an adult; 7302

(b) A violation of section 2923.12 of the Revised Code or 7303
of a substantially similar municipal ordinance that would be a 7304
misdemeanor if committed by an adult and that was committed on 7305
property owned or controlled by, or at an activity held under 7306
the auspices of, the board of education of that school district; 7307

(c) A violation of ~~division (A) of section 2925.02,~~ 7308
2925.021, 2925.03, 2925.04, or 2925.11-2925.041 of the Revised 7309
Code that would be a misdemeanor if committed by an adult, that 7310
was committed on property owned or controlled by, or at an 7311
activity held under the auspices of, the board of education of 7312
that school district, and that is not a minor drug possession 7313
offense; 7314

(d) An act that would be a criminal offense if committed 7315
by an adult and that results in serious physical harm to persons 7316
or serious physical harm to property while the child is at 7317
school, on any other property owned or controlled by the board, 7318
or at an interscholastic competition, an extracurricular event, 7319
or any other school program or activity; 7320

(e) Complicity in any violation described in division (D) 7321
(1) (a), (b), (c), or (d) of this section that was alleged to 7322
have been committed in the manner described in division (D) (1) 7323
(a), (b), (c), or (d) of this section, regardless of whether the 7324
act of complicity was committed on property owned or controlled 7325
by, or at an activity held under the auspices of, the board of 7326
education of that school district. 7327

(2) The notice given pursuant to division (D) (1) of this 7328
section shall include the name of the child who was adjudicated 7329
to be a delinquent child, the child's age at the time the child 7330
committed the act that was the basis of the adjudication, and 7331
identification of the violation of the law or ordinance that was 7332
the basis of the adjudication. 7333

(3) Within fourteen days after committing a delinquent 7334
child to the custody of the department of youth services, the 7335
court shall give notice to the school attended by the child of 7336
the child's commitment by sending to that school a copy of the 7337
court's journal entry ordering the commitment. As soon as 7338
possible after receipt of the notice described in this division, 7339
the school shall provide the department with the child's school 7340
transcript. However, the department shall not refuse to accept a 7341
child committed to it, and a child committed to it shall not be 7342
held in a county or district detention facility, because of a 7343
school's failure to provide the school transcript that it is 7344
required to provide under this division. 7345

(4) Within fourteen days after discharging or releasing a 7346
child from an institution under its control, the department of 7347
youth services shall provide the court and the superintendent of 7348
the school district in which the child is entitled to attend 7349
school under section 3313.64 or 3313.65 of the Revised Code with 7350

the following: 7351

(a) An updated copy of the child's school transcript; 7352

(b) A report outlining the child's behavior in school 7353
while in the custody of the department; 7354

(c) The child's current individualized education program, 7355
as defined in section 3323.01 of the Revised Code, if such a 7356
program has been developed for the child; 7357

(d) A summary of the institutional record of the child's 7358
behavior. 7359

The department also shall provide the court with a copy of 7360
any portion of the child's institutional record that the court 7361
specifically requests, within five working days of the request. 7362

(E) At any hearing at which a child is adjudicated a 7363
delinquent child or as soon as possible after the hearing, the 7364
court shall notify all victims of the delinquent act who may be 7365
entitled to a recovery under any of the following sections of 7366
the right of the victims to recover, pursuant to section 3109.09 7367
of the Revised Code, compensatory damages from the child's 7368
parents; of the right of the victims to recover, pursuant to 7369
section 3109.10 of the Revised Code, compensatory damages from 7370
the child's parents for willful and malicious assaults committed 7371
by the child; and of the right of the victims to recover an 7372
award of reparations pursuant to sections 2743.51 to 2743.72 of 7373
the Revised Code. 7374

Sec. 2743.60. (A) The attorney general or the court of 7375
claims shall not make or order an award of reparations to a 7376
claimant if the criminally injurious conduct upon which the 7377
claimant bases a claim never was reported to a law enforcement 7378
officer or agency. 7379

(B) (1) The attorney general or the court of claims shall 7380
not make or order an award of reparations to a claimant if any 7381
of the following apply: 7382

(a) The claimant is the offender or an accomplice of the 7383
offender who committed the criminally injurious conduct, or the 7384
award would unjustly benefit the offender or accomplice. 7385

(b) Except as provided in division (B) (2) of this section, 7386
both of the following apply: 7387

(i) The victim was a passenger in a motor vehicle and knew 7388
or reasonably should have known that the driver was under the 7389
influence of alcohol, a drug of abuse, or both. 7390

(ii) The claimant is seeking compensation for injuries 7391
proximately caused by the driver described in division (B) (1) (b) 7392
(i) of this section being under the influence of alcohol, a drug 7393
of abuse, or both. 7394

(c) Both of the following apply: 7395

(i) The victim was under the influence of alcohol, a drug 7396
of abuse, or both and was a passenger in a motor vehicle and, if 7397
sober, should have reasonably known that the driver was under 7398
the influence of alcohol, a drug of abuse, or both. 7399

(ii) The claimant is seeking compensation for injuries 7400
proximately caused by the driver described in division (B) (1) (b) 7401
(i) of this section being under the influence of alcohol, a drug 7402
of abuse, or both. 7403

(2) Division (B) (1) (b) of this section does not apply if 7404
on the date of the occurrence of the criminally injurious 7405
conduct, the victim was under sixteen years of age or was at 7406
least sixteen years of age but less than eighteen years of age 7407

and was riding with a parent, guardian, or care-provider. 7408

(C) The attorney general or the court of claims, upon a 7409
finding that the claimant or victim has not fully cooperated 7410
with appropriate law enforcement agencies, may deny a claim or 7411
reconsider and reduce an award of reparations. 7412

(D) The attorney general or the court of claims shall 7413
reduce an award of reparations or deny a claim for an award of 7414
reparations that is otherwise payable to a claimant to the 7415
extent that the economic loss upon which the claim is based is 7416
recouped from other persons, including collateral sources. If an 7417
award is reduced or a claim is denied because of the expected 7418
recoupment of all or part of the economic loss of the claimant 7419
from a collateral source, the amount of the award or the denial 7420
of the claim shall be conditioned upon the claimant's economic 7421
loss being recouped by the collateral source. If the award or 7422
denial is conditioned upon the recoupment of the claimant's 7423
economic loss from a collateral source and it is determined that 7424
the claimant did not unreasonably fail to present a timely claim 7425
to the collateral source and will not receive all or part of the 7426
expected recoupment, the claim may be reopened and an award may 7427
be made in an amount equal to the amount of expected recoupment 7428
that it is determined the claimant will not receive from the 7429
collateral source. 7430

If the claimant recoups all or part of the economic loss 7431
upon which the claim is based from any other person or entity, 7432
including a collateral source, the attorney general may recover 7433
pursuant to section 2743.72 of the Revised Code the part of the 7434
award that represents the economic loss for which the claimant 7435
received the recoupment from the other person or entity. 7436

(E) (1) Except as otherwise provided in division (E) (2) of 7437

this section, the attorney general or the court of claims shall 7438
not make an award to a claimant if any of the following applies: 7439

(a) The victim was convicted of a felony within ten years 7440
prior to the criminally injurious conduct that gave rise to the 7441
claim or is convicted of a felony during the pendency of the 7442
claim. 7443

(b) The claimant was convicted of a felony within ten 7444
years prior to the criminally injurious conduct that gave rise 7445
to the claim or is convicted of a felony during the pendency of 7446
the claim. 7447

(c) It is proved by a preponderance of the evidence that 7448
the victim or the claimant engaged, within ten years prior to 7449
the criminally injurious conduct that gave rise to the claim or 7450
during the pendency of the claim, in an offense of violence, a 7451
violation of section 2925.02, 2925.021, or 2925.03 of the 7452
Revised Code, or any substantially similar offense that also 7453
would constitute a felony under the laws of this state, another 7454
state, or the United States. 7455

(d) The claimant was convicted of a violation of section 7456
2919.22 or 2919.25 of the Revised Code, or of any state law or 7457
municipal ordinance substantially similar to either section, 7458
within ten years prior to the criminally injurious conduct that 7459
gave rise to the claim or during the pendency of the claim. 7460

(e) It is proved by a preponderance of the evidence that 7461
the victim at the time of the criminally injurious conduct that 7462
gave rise to the claim engaged in conduct that was a felony 7463
violation of section 2925.11-2925.04 or 2925.041 of the Revised 7464
Code or engaged in any substantially similar conduct that would 7465
constitute a felony under the laws of this state, another state, 7466

or the United States. 7467

(2) The attorney general or the court of claims may make 7468
an award to a minor dependent of a deceased victim for 7469
dependent's economic loss or for counseling pursuant to division 7470
(F) (2) of section 2743.51 of the Revised Code if the minor 7471
dependent is not ineligible under division (E) (1) of this 7472
section due to the minor dependent's criminal history and if the 7473
victim was not killed while engaging in illegal conduct that 7474
contributed to the criminally injurious conduct that gave rise 7475
to the claim. For purposes of this section, the use of illegal 7476
drugs by the deceased victim shall not be deemed to have 7477
contributed to the criminally injurious conduct that gave rise 7478
to the claim. 7479

(F) In determining whether to make an award of reparations 7480
pursuant to this section, the attorney general or the court of 7481
claims shall consider whether there was contributory misconduct 7482
by the victim or the claimant. The attorney general or the court 7483
of claims shall reduce an award of reparations or deny a claim 7484
for an award of reparations to the extent it is determined to be 7485
reasonable because of the contributory misconduct of the 7486
claimant or the victim. 7487

When the attorney general decides whether a claim should 7488
be denied because of an allegation of contributory misconduct, 7489
the burden of proof on the issue of that alleged contributory 7490
misconduct shall be upon the claimant, if either of the 7491
following apply: 7492

(1) The victim was convicted of a felony more than ten 7493
years prior to the criminally injurious conduct that is the 7494
subject of the claim or has a record of felony arrests under the 7495
laws of this state, another state, or the United States. 7496

(2) There is good cause to believe that the victim engaged 7497
in an ongoing course of criminal conduct within five years or 7498
less of the criminally injurious conduct that is the subject of 7499
the claim. 7500

(G) The attorney general or the court of claims shall not 7501
make an award of reparations to a claimant if the criminally 7502
injurious conduct that caused the injury or death that is the 7503
subject of the claim occurred to a victim who was an adult and 7504
while the victim, after being convicted of or pleading guilty to 7505
an offense, was serving a sentence of imprisonment in any 7506
detention facility, as defined in section 2921.01 of the Revised 7507
Code. 7508

(H) If a claimant unreasonably fails to present a claim 7509
timely to a source of benefits or advantages that would have 7510
been a collateral source and that would have reimbursed the 7511
claimant for all or a portion of a particular expense, the 7512
attorney general or the court of claims may reduce an award of 7513
reparations or deny a claim for an award of reparations to the 7514
extent that it is reasonable to do so. 7515

(I) Reparations payable to a victim and to all other 7516
claimants sustaining economic loss because of injury to or the 7517
death of that victim shall not exceed fifty thousand dollars in 7518
the aggregate. If the attorney general or the court of claims 7519
reduces an award under division (F) of this section, the maximum 7520
aggregate amount of reparations payable under this division 7521
shall be reduced proportionately to the reduction under division 7522
(F) of this section. 7523

(J) Nothing in this section shall be construed to prohibit 7524
an award to a claimant whose claim is based on the claimant's 7525
being a victim of a violation of section 2905.32 of the Revised 7526

Code if the claimant was less than eighteen years of age when 7527
the criminally injurious conduct occurred. 7528

Sec. 2919.22. (A) No person, who is the parent, guardian, 7529
custodian, person having custody or control, or person in loco 7530
parentis of a child under eighteen years of age or a mentally or 7531
physically handicapped child under twenty-one years of age, 7532
shall create a substantial risk to the health or safety of the 7533
child, by violating a duty of care, protection, or support. It 7534
is not a violation of a duty of care, protection, or support 7535
under this division when the parent, guardian, custodian, or 7536
person having custody or control of a child treats the physical 7537
or mental illness or defect of the child by spiritual means 7538
through prayer alone, in accordance with the tenets of a 7539
recognized religious body. 7540

(B) No person shall do any of the following to a child 7541
under eighteen years of age or a mentally or physically 7542
handicapped child under twenty-one years of age: 7543

(1) Abuse the child; 7544

(2) Torture or cruelly abuse the child; 7545

(3) Administer corporal punishment or other physical 7546
disciplinary measure, or physically restrain the child in a 7547
cruel manner or for a prolonged period, which punishment, 7548
discipline, or restraint is excessive under the circumstances 7549
and creates a substantial risk of serious physical harm to the 7550
child; 7551

(4) Repeatedly administer unwarranted disciplinary 7552
measures to the child, when there is a substantial risk that 7553
such conduct, if continued, will seriously impair or retard the 7554
child's mental health or development; 7555

(5) Entice, coerce, permit, encourage, compel, hire, 7556
employ, use, or allow the child to act, model, or in any other 7557
way participate in, or be photographed for, the production, 7558
presentation, dissemination, or advertisement of any material or 7559
performance that the offender knows or reasonably should know is 7560
obscene, is sexually oriented matter, or is nudity-oriented 7561
matter; 7562

(6) Allow the child to be on the same parcel of real 7563
property and within one hundred feet of, or, in the case of more 7564
than one housing unit on the same parcel of real property, in 7565
the same housing unit and within one hundred feet of, any act in 7566
violation of section ~~2925.04-2925.06~~ or ~~2925.041-2925.061~~ of the 7567
Revised Code when the person knows that the act is occurring, 7568
whether or not any person is prosecuted for or convicted of the 7569
violation of section 2925.04 or 2925.041 of the Revised Code 7570
that is the basis of the violation of this division. 7571

(C) (1) No person shall operate a vehicle, streetcar, or 7572
trackless trolley within this state in violation of division (A) 7573
of section 4511.19 of the Revised Code when one or more children 7574
under eighteen years of age are in the vehicle, streetcar, or 7575
trackless trolley. Notwithstanding any other provision of law, a 7576
person may be convicted at the same trial or proceeding of a 7577
violation of this division and a violation of division (A) of 7578
section 4511.19 of the Revised Code that constitutes the basis 7579
of the charge of the violation of this division. For purposes of 7580
sections 4511.191 to 4511.197 of the Revised Code and all 7581
related provisions of law, a person arrested for a violation of 7582
this division shall be considered to be under arrest for 7583
operating a vehicle while under the influence of alcohol, a drug 7584
of abuse, or a combination of them or for operating a vehicle 7585
with a prohibited concentration of alcohol, a controlled 7586

substance, or a metabolite of a controlled substance in the 7587
whole blood, blood serum or plasma, breath, or urine. 7588

(2) As used in division (C) (1) of this section: 7589

(a) "Controlled substance" has the same meaning as in 7590
section 3719.01 of the Revised Code. 7591

(b) "Vehicle," "streetcar," and "trackless trolley" have 7592
the same meanings as in section 4511.01 of the Revised Code. 7593

(D) (1) Division (B) (5) of this section does not apply to 7594
any material or performance that is produced, presented, or 7595
disseminated for a bona fide medical, scientific, educational, 7596
religious, governmental, judicial, or other proper purpose, by 7597
or to a physician, psychologist, sociologist, scientist, 7598
teacher, person pursuing bona fide studies or research, 7599
librarian, member of the clergy, prosecutor, judge, or other 7600
person having a proper interest in the material or performance. 7601

(2) Mistake of age is not a defense to a charge under 7602
division (B) (5) of this section. 7603

(3) In a prosecution under division (B) (5) of this 7604
section, the trier of fact may infer that an actor, model, or 7605
participant in the material or performance involved is a 7606
juvenile if the material or performance, through its title, 7607
text, visual representation, or otherwise, represents or depicts 7608
the actor, model, or participant as a juvenile. 7609

(4) As used in this division and division (B) (5) of this 7610
section: 7611

(a) "Material," "performance," "obscene," and "sexual 7612
activity" have the same meanings as in section 2907.01 of the 7613
Revised Code. 7614

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

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

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

(2) If the offender violates division (A) or (B) (1) of this section, endangering children is one of the following, and, in the circumstances described in division (E) (2) (e) of this section, that division applies:

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

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

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

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

(e) If the violation is a felony violation of division (B) (1) of this section and the offender also is convicted of or

pleads guilty to a specification as described in section 7643
2941.1422 of the Revised Code that was included in the 7644
indictment, count in the indictment, or information charging the 7645
offense, the court shall sentence the offender to a mandatory 7646
prison term as provided in division (B) (7) of section 2929.14 of 7647
the Revised Code and shall order the offender to make 7648
restitution as provided in division (B) (8) of section 2929.18 of 7649
the Revised Code. 7650

(3) If the offender violates division (B) (2), (3), (4), or 7651
(6) of this section, except as otherwise provided in this 7652
division, endangering children is a felony of the third degree. 7653
If the violation results in serious physical harm to the child 7654
involved, or if the offender previously has been convicted of an 7655
offense under this section or of any offense involving neglect, 7656
abandonment, contributing to the delinquency of, or physical 7657
abuse of a child, endangering children is a felony of the second 7658
degree. If the offender violates division (B) (2), (3), or (4) of 7659
this section and the offender also is convicted of or pleads 7660
guilty to a specification as described in section 2941.1422 of 7661
the Revised Code that was included in the indictment, count in 7662
the indictment, or information charging the offense, the court 7663
shall sentence the offender to a mandatory prison term as 7664
provided in division (B) (7) of section 2929.14 of the Revised 7665
Code and shall order the offender to make restitution as 7666
provided in division (B) (8) of section 2929.18 of the Revised 7667
Code. If the offender violates division (B) (6) of this section 7668
and the drug involved is methamphetamine, the court shall impose 7669
a mandatory prison term on the offender as follows: 7670

(a) If the violation is a violation of division (B) (6) of 7671
this section that is a felony of the third degree under division 7672
(E) (3) of this section and the drug involved is methamphetamine, 7673

except as otherwise provided in this division, the court shall 7674
impose as a mandatory prison term one of the prison terms 7675
prescribed for a felony of the third degree that is not less 7676
than two years. If the violation is a violation of division (B) 7677
(6) of this section that is a felony of the third degree under 7678
division (E) (3) of this section, if the drug involved is 7679
methamphetamine, and if the offender previously has been 7680
convicted of or pleaded guilty to a violation of division (B) (6) 7681
of this section, a violation of division (A) of section ~~2925.04~~ 7682
2925.06 of the Revised Code, or a violation of division (A) of 7683
section ~~2925.041~~2925.061 of the Revised Code, the court shall 7684
impose as a mandatory prison term one of the prison terms 7685
prescribed for a felony of the third degree that is not less 7686
than five years. 7687

(b) If the violation is a violation of division (B) (6) of 7688
this section that is a felony of the second degree under 7689
division (E) (3) of this section and the drug involved is 7690
methamphetamine, except as otherwise provided in this division, 7691
the court shall impose as a mandatory prison term one of the 7692
definite prison terms prescribed for a felony of the second 7693
degree in division (A) (2) (b) of section 2929.14 of the Revised 7694
Code that is not less than three years, except that if the 7695
violation is committed on or after the effective date of this 7696
amendment, the court shall impose as the minimum prison term for 7697
the offense a mandatory prison term that is one of the minimum 7698
terms prescribed for a felony of the second degree in division 7699
(A) (2) (a) of that section that is not less than three years. If 7700
the violation is a violation of division (B) (6) of this section 7701
that is a felony of the second degree under division (E) (3) of 7702
this section, if the drug involved is methamphetamine, and if 7703
the offender previously has been convicted of or pleaded guilty 7704

to a violation of division (B) (6) of this section, a violation 7705
of division (A) of section ~~2925.04~~2925.06 of the Revised Code, 7706
or a violation of division (A) of section ~~2925.041~~2925.061 of 7707
the Revised Code, the court shall impose as a mandatory prison 7708
term one of the definite prison terms prescribed for a felony of 7709
the second degree in division (A) (2) (b) of section 2929.14 of 7710
the Revised Code that is not less than five years, except that 7711
if the violation is committed on or after ~~the effective date of~~ 7712
~~this amendment~~ March 22, 2019, the court shall impose as the 7713
minimum prison term for the offense a mandatory prison term that 7714
is one of the terms prescribed for a felony of the second degree 7715
in division (A) (2) (a) of that section that is not less than five 7716
years. 7717

(4) If the offender violates division (B) (5) of this 7718
section, endangering children is a felony of the second degree. 7719
If the offender also is convicted of or pleads guilty to a 7720
specification as described in section 2941.1422 of the Revised 7721
Code that was included in the indictment, count in the 7722
indictment, or information charging the offense, the court shall 7723
sentence the offender to a mandatory prison term as provided in 7724
division (B) (7) of section 2929.14 of the Revised Code and shall 7725
order the offender to make restitution as provided in division 7726
(B) (8) of section 2929.18 of the Revised Code. 7727

(5) If the offender violates division (C) of this section, 7728
the offender shall be punished as follows: 7729

(a) Except as otherwise provided in division (E) (5) (b) or 7730
(c) of this section, endangering children in violation of 7731
division (C) of this section is a misdemeanor of the first 7732
degree. 7733

(b) If the violation results in serious physical harm to 7734

the child involved or the offender previously has been convicted 7735
of an offense under this section or any offense involving 7736
neglect, abandonment, contributing to the delinquency of, or 7737
physical abuse of a child, except as otherwise provided in 7738
division (E) (5) (c) of this section, endangering children in 7739
violation of division (C) of this section is a felony of the 7740
fifth degree. 7741

(c) If the violation results in serious physical harm to 7742
the child involved and if the offender previously has been 7743
convicted of a violation of division (C) of this section, 7744
section 2903.06 or 2903.08 of the Revised Code, section 2903.07 7745
of the Revised Code as it existed prior to March 23, 2000, or 7746
section 2903.04 of the Revised Code in a case in which the 7747
offender was subject to the sanctions described in division (D) 7748
of that section, endangering children in violation of division 7749
(C) of this section is a felony of the fourth degree. 7750

(d) In addition to any term of imprisonment, fine, or 7751
other sentence, penalty, or sanction it imposes upon the 7752
offender pursuant to division (E) (5) (a), (b), or (c) of this 7753
section or pursuant to any other provision of law and in 7754
addition to any suspension of the offender's driver's or 7755
commercial driver's license or permit or nonresident operating 7756
privilege under Chapter 4506., 4509., 4510., or 4511. of the 7757
Revised Code or under any other provision of law, the court also 7758
may impose upon the offender a class seven suspension of the 7759
offender's driver's or commercial driver's license or permit or 7760
nonresident operating privilege from the range specified in 7761
division (A) (7) of section 4510.02 of the Revised Code. 7762

(e) In addition to any term of imprisonment, fine, or 7763
other sentence, penalty, or sanction imposed upon the offender 7764

pursuant to division (E) (5) (a), (b), (c), or (d) of this section 7765
or pursuant to any other provision of law for the violation of 7766
division (C) of this section, if as part of the same trial or 7767
proceeding the offender also is convicted of or pleads guilty to 7768
a separate charge charging the violation of division (A) of 7769
section 4511.19 of the Revised Code that was the basis of the 7770
charge of the violation of division (C) of this section, the 7771
offender also shall be sentenced in accordance with section 7772
4511.19 of the Revised Code for that violation of division (A) 7773
of section 4511.19 of the Revised Code. 7774

(F) (1) (a) A court may require an offender to perform not 7775
more than two hundred hours of supervised community service work 7776
under the authority of an agency, subdivision, or charitable 7777
organization. The requirement shall be part of the community 7778
control sanction or sentence of the offender, and the court 7779
shall impose the community service in accordance with and 7780
subject to divisions (F) (1) (a) and (b) of this section. The 7781
court may require an offender whom it requires to perform 7782
supervised community service work as part of the offender's 7783
community control sanction or sentence to pay the court a 7784
reasonable fee to cover the costs of the offender's 7785
participation in the work, including, but not limited to, the 7786
costs of procuring a policy or policies of liability insurance 7787
to cover the period during which the offender will perform the 7788
work. If the court requires the offender to perform supervised 7789
community service work as part of the offender's community 7790
control sanction or sentence, the court shall do so in 7791
accordance with the following limitations and criteria: 7792

(i) The court shall require that the community service 7793
work be performed after completion of the term of imprisonment 7794
or jail term imposed upon the offender for the violation of 7795

division (C) of this section, if applicable. 7796

(ii) The supervised community service work shall be 7797
subject to the limitations set forth in divisions (B) (1), (2), 7798
and (3) of section 2951.02 of the Revised Code. 7799

(iii) The community service work shall be supervised in 7800
the manner described in division (B) (4) of section 2951.02 of 7801
the Revised Code by an official or person with the 7802
qualifications described in that division. The official or 7803
person periodically shall report in writing to the court 7804
concerning the conduct of the offender in performing the work. 7805

(iv) The court shall inform the offender in writing that 7806
if the offender does not adequately perform, as determined by 7807
the court, all of the required community service work, the court 7808
may order that the offender be committed to a jail or workhouse 7809
for a period of time that does not exceed the term of 7810
imprisonment that the court could have imposed upon the offender 7811
for the violation of division (C) of this section, reduced by 7812
the total amount of time that the offender actually was 7813
imprisoned under the sentence or term that was imposed upon the 7814
offender for that violation and by the total amount of time that 7815
the offender was confined for any reason arising out of the 7816
offense for which the offender was convicted and sentenced as 7817
described in sections 2949.08 and 2967.191 of the Revised Code, 7818
and that, if the court orders that the offender be so committed, 7819
the court is authorized, but not required, to grant the offender 7820
credit upon the period of the commitment for the community 7821
service work that the offender adequately performed. 7822

(b) If a court, pursuant to division (F) (1) (a) of this 7823
section, orders an offender to perform community service work as 7824
part of the offender's community control sanction or sentence 7825

and if the offender does not adequately perform all of the 7826
required community service work, as determined by the court, the 7827
court may order that the offender be committed to a jail or 7828
workhouse for a period of time that does not exceed the term of 7829
imprisonment that the court could have imposed upon the offender 7830
for the violation of division (C) of this section, reduced by 7831
the total amount of time that the offender actually was 7832
imprisoned under the sentence or term that was imposed upon the 7833
offender for that violation and by the total amount of time that 7834
the offender was confined for any reason arising out of the 7835
offense for which the offender was convicted and sentenced as 7836
described in sections 2949.08 and 2967.191 of the Revised Code. 7837
The court may order that a person committed pursuant to this 7838
division shall receive hour-for-hour credit upon the period of 7839
the commitment for the community service work that the offender 7840
adequately performed. No commitment pursuant to this division 7841
shall exceed the period of the term of imprisonment that the 7842
sentencing court could have imposed upon the offender for the 7843
violation of division (C) of this section, reduced by the total 7844
amount of time that the offender actually was imprisoned under 7845
that sentence or term and by the total amount of time that the 7846
offender was confined for any reason arising out of the offense 7847
for which the offender was convicted and sentenced as described 7848
in sections 2949.08 and 2967.191 of the Revised Code. 7849

(2) Division (F)(1) of this section does not limit or 7850
affect the authority of the court to suspend the sentence 7851
imposed upon a misdemeanor offender and place the offender under 7852
a community control sanction pursuant to section 2929.25 of the 7853
Revised Code, to require a misdemeanor or felony offender to 7854
perform supervised community service work in accordance with 7855
division (B) of section 2951.02 of the Revised Code, or to place 7856

a felony offender under a community control sanction. 7857

(G) (1) If a court suspends an offender's driver's or 7858
commercial driver's license or permit or nonresident operating 7859
privilege under division (E) (5) (d) of this section, the period 7860
of the suspension shall be consecutive to, and commence after, 7861
the period of suspension of the offender's driver's or 7862
commercial driver's license or permit or nonresident operating 7863
privilege that is imposed under Chapter 4506., 4509., 4510., or 7864
4511. of the Revised Code or under any other provision of law in 7865
relation to the violation of division (C) of this section that 7866
is the basis of the suspension under division (E) (5) (d) of this 7867
section or in relation to the violation of division (A) of 7868
section 4511.19 of the Revised Code that is the basis for that 7869
violation of division (C) of this section. 7870

(2) An offender is not entitled to request, and the court 7871
shall not grant to the offender, limited driving privileges if 7872
the offender's license, permit, or privilege has been suspended 7873
under division (E) (5) (d) of this section and the offender, 7874
within the preceding six years, has been convicted of or pleaded 7875
guilty to three or more violations of one or more of the 7876
following: 7877

(a) Division (C) of this section; 7878

(b) Any equivalent offense, as defined in section 4511.181 7879
of the Revised Code. 7880

(H) (1) If a person violates division (C) of this section 7881
and if, at the time of the violation, there were two or more 7882
children under eighteen years of age in the motor vehicle 7883
involved in the violation, the offender may be convicted of a 7884
violation of division (C) of this section for each of the 7885

children, but the court may sentence the offender for only one 7886
of the violations. 7887

(2) (a) If a person is convicted of or pleads guilty to a 7888
violation of division (C) of this section but the person is not 7889
also convicted of and does not also plead guilty to a separate 7890
charge charging the violation of division (A) of section 4511.19 7891
of the Revised Code that was the basis of the charge of the 7892
violation of division (C) of this section, both of the following 7893
apply: 7894

(i) For purposes of the provisions of section 4511.19 of 7895
the Revised Code that set forth the penalties and sanctions for 7896
a violation of division (A) of section 4511.19 of the Revised 7897
Code, the conviction of or plea of guilty to the violation of 7898
division (C) of this section shall not constitute a violation of 7899
division (A) of section 4511.19 of the Revised Code; 7900

(ii) For purposes of any provision of law that refers to a 7901
conviction of or plea of guilty to a violation of division (A) 7902
of section 4511.19 of the Revised Code and that is not described 7903
in division (H) (2) (a) (i) of this section, the conviction of or 7904
plea of guilty to the violation of division (C) of this section 7905
shall constitute a conviction of or plea of guilty to a 7906
violation of division (A) of section 4511.19 of the Revised 7907
Code. 7908

(b) If a person is convicted of or pleads guilty to a 7909
violation of division (C) of this section and the person also is 7910
convicted of or pleads guilty to a separate charge charging the 7911
violation of division (A) of section 4511.19 of the Revised Code 7912
that was the basis of the charge of the violation of division 7913
(C) of this section, the conviction of or plea of guilty to the 7914
violation of division (C) of this section shall not constitute, 7915

for purposes of any provision of law that refers to a conviction 7916
of or plea of guilty to a violation of division (A) of section 7917
4511.19 of the Revised Code, a conviction of or plea of guilty 7918
to a violation of division (A) of section 4511.19 of the Revised 7919
Code. 7920

(I) As used in this section: 7921

(1) "Community control sanction" has the same meaning as 7922
in section 2929.01 of the Revised Code; 7923

(2) "Limited driving privileges" has the same meaning as 7924
in section 4501.01 of the Revised Code; 7925

(3) "Methamphetamine" has the same meaning as in section 7926
2925.01 of the Revised Code. 7927

Sec. 2923.01. (A) No person, with purpose to commit or to 7928
promote or facilitate the commission of aggravated murder, 7929
murder, kidnapping, abduction, compelling prostitution, 7930
promoting prostitution, trafficking in persons, aggravated 7931
arson, arson, aggravated robbery, robbery, aggravated burglary, 7932
burglary, trespassing in a habitation when a person is present 7933
or likely to be present, engaging in a pattern of corrupt 7934
activity, corrupting another with drugs, a felony drug 7935
trafficking, manufacturing, processing, or possession offense, 7936
theft of drugs, or illegal processing of drug documents, the 7937
commission of a felony offense of unauthorized use of a vehicle, 7938
illegally transmitting multiple commercial electronic mail 7939
messages or unauthorized access of a computer in violation of 7940
section 2923.421 of the Revised Code, or the commission of a 7941
violation of any provision of Chapter 3734. of the Revised Code, 7942
other than section 3734.18 of the Revised Code, that relates to 7943
hazardous wastes, shall do either of the following: 7944

- (1) With another person or persons, plan or aid in 7945
planning the commission of any of the specified offenses; 7946
- (2) Agree with another person or persons that one or more 7947
of them will engage in conduct that facilitates the commission 7948
of any of the specified offenses. 7949
- (B) No person shall be convicted of conspiracy unless a 7950
substantial overt act in furtherance of the conspiracy is 7951
alleged and proved to have been done by the accused or a person 7952
with whom the accused conspired, subsequent to the accused's 7953
entrance into the conspiracy. For purposes of this section, an 7954
overt act is substantial when it is of a character that 7955
manifests a purpose on the part of the actor that the object of 7956
the conspiracy should be completed. 7957
- (C) When the offender knows or has reasonable cause to 7958
believe that a person with whom the offender conspires also has 7959
conspired or is conspiring with another to commit the same 7960
offense, the offender is guilty of conspiring with that other 7961
person, even though the other person's identity may be unknown 7962
to the offender. 7963
- (D) It is no defense to a charge under this section that, 7964
in retrospect, commission of the offense that was the object of 7965
the conspiracy was impossible under the circumstances. 7966
- (E) A conspiracy terminates when the offense or offenses 7967
that are its objects are committed or when it is abandoned by 7968
all conspirators. In the absence of abandonment, it is no 7969
defense to a charge under this section that no offense that was 7970
the object of the conspiracy was committed. 7971
- (F) A person who conspires to commit more than one offense 7972
is guilty of only one conspiracy, when the offenses are the 7973

object of the same agreement or continuous conspiratorial 7974
relationship. 7975

(G) When a person is convicted of committing or attempting 7976
to commit a specific offense or of complicity in the commission 7977
of or attempt to commit the specific offense, the person shall 7978
not be convicted of conspiracy involving the same offense. 7979

(H) (1) No person shall be convicted of conspiracy upon the 7980
testimony of a person with whom the defendant conspired, 7981
unsupported by other evidence. 7982

(2) If a person with whom the defendant allegedly has 7983
conspired testifies against the defendant in a case in which the 7984
defendant is charged with conspiracy and if the testimony is 7985
supported by other evidence, the court, when it charges the 7986
jury, shall state substantially the following: 7987

"The testimony of an accomplice that is supported by other 7988
evidence does not become inadmissible because of the 7989
accomplice's complicity, moral turpitude, or self-interest, but 7990
the admitted or claimed complicity of a witness may affect the 7991
witness' credibility and make the witness' testimony subject to 7992
grave suspicion, and require that it be weighed with great 7993
caution. 7994

It is for you, as jurors, in the light of all the facts 7995
presented to you from the witness stand, to evaluate such 7996
testimony and to determine its quality and worth or its lack of 7997
quality and worth." 7998

(3) "Conspiracy," as used in division (H) (1) of this 7999
section, does not include any conspiracy that results in an 8000
attempt to commit an offense or in the commission of an offense. 8001

(I) The following are affirmative defenses to a charge of 8002

conspiracy: 8003

(1) After conspiring to commit an offense, the actor 8004
thwarted the success of the conspiracy under circumstances 8005
manifesting a complete and voluntary renunciation of the actor's 8006
criminal purpose. 8007

(2) After conspiring to commit an offense, the actor 8008
abandoned the conspiracy prior to the commission of or attempt 8009
to commit any offense that was the object of the conspiracy, 8010
either by advising all other conspirators of the actor's 8011
abandonment, or by informing any law enforcement authority of 8012
the existence of the conspiracy and of the actor's participation 8013
in the conspiracy. 8014

(J) Whoever violates this section is guilty of conspiracy, 8015
which is one of the following: 8016

(1) A felony of the first degree, when one of the objects 8017
of the conspiracy is aggravated murder, murder, or an offense 8018
for which the maximum penalty is imprisonment for life; 8019

(2) A felony of the next lesser degree than the most 8020
serious offense that is the object of the conspiracy, when the 8021
most serious offense that is the object of the conspiracy is a 8022
felony of the first, second, third, or fourth degree; 8023

(3) A felony punishable by a fine of not more than twenty- 8024
five thousand dollars or imprisonment for not more than eighteen 8025
months, or both, when the offense that is the object of the 8026
conspiracy is a violation of any provision of Chapter 3734. of 8027
the Revised Code, other than section 3734.18 of the Revised 8028
Code, that relates to hazardous wastes; 8029

(4) A misdemeanor of the first degree, when the most 8030
serious offense that is the object of the conspiracy is a felony 8031

of the fifth degree. 8032

(K) This section does not define a separate conspiracy 8033
offense or penalty where conspiracy is defined as an offense by 8034
one or more sections of the Revised Code, other than this 8035
section. In such a case, however: 8036

(1) With respect to the offense specified as the object of 8037
the conspiracy in the other section or sections, division (A) of 8038
this section defines the voluntary act or acts and culpable 8039
mental state necessary to constitute the conspiracy; 8040

(2) Divisions (B) to (I) of this section are incorporated 8041
by reference in the conspiracy offense defined by the other 8042
section or sections of the Revised Code. 8043

(L) (1) In addition to the penalties that otherwise are 8044
imposed for conspiracy, a person who is found guilty of 8045
conspiracy to engage in a pattern of corrupt activity is subject 8046
to divisions (B) (2) and (3) of section 2923.32, division (A) of 8047
section 2981.04, and division (D) of section 2981.06 of the 8048
Revised Code. 8049

(2) If a person is convicted of or pleads guilty to 8050
conspiracy and if the most serious offense that is the object of 8051
the conspiracy is a felony drug trafficking, manufacturing, 8052
processing, or possession offense, in addition to the penalties 8053
or sanctions that may be imposed for the conspiracy under 8054
division (J) (2) or (4) of this section and Chapter 2929. of the 8055
Revised Code, both of the following apply: 8056

(a) The provisions of ~~divisions (D), (F), and (G)~~ division 8057
(L) of section 2925.02, division (D) of section 2925.021, 8058
division (E) of section 2925.03, ~~division~~ divisions (C) and (D) 8059
of section 2925.04, ~~division (D) of section 2925.05,~~ (E) of 8060

section 2925.041, division ~~(D)~~(E) of section 2925.06, division 8061
(D) of section 2925.07, division (D) of section 2925.08, and 8062
division (E) of section ~~sections~~ 2925.10, 2925.11, and 2925.42 8063
of the Revised Code that pertain to mandatory and additional 8064
fines, driver's or commercial driver's license or permit 8065
suspensions, and professionally licensed persons and that would 8066
apply under the appropriate provisions of those divisions to a 8067
person who is convicted of or pleads guilty to the felony drug 8068
trafficking, manufacturing, processing, or possession offense 8069
that is the most serious offense that is the basis of the 8070
conspiracy shall apply to the person who is convicted of or 8071
pleads guilty to the conspiracy as if the person had been 8072
convicted of or pleaded guilty to the felony drug trafficking, 8073
manufacturing, processing, or possession offense that is the 8074
most serious offense that is the basis of the conspiracy. 8075

(b) The court that imposes sentence upon the person who is 8076
convicted of or pleads guilty to the conspiracy shall comply 8077
with the provisions identified as being applicable under 8078
division (L) (2) of this section, in addition to any other 8079
penalty or sanction that it imposes for the conspiracy under 8080
division (J) (2) or (4) of this section and Chapter 2929. of the 8081
Revised Code. 8082

(M) As used in this section: 8083

(1) "Felony drug trafficking, manufacturing, processing, 8084
or possession offense" means any of the following that is a 8085
felony: 8086

(a) A violation of section 2925.02, 2925.021, 2925.03, 8087
2925.04, 2925.05, or 2925.06, 2925.07, or 2925.08 of the Revised 8088
Code; 8089

(b) A violation of section ~~2925.11~~2925.04 or 2925.041 of 8090
the Revised Code that is not a minor drug possession offense. 8091

(2) "Minor drug possession offense" has the same meaning 8092
as in section 2925.01 of the Revised Code. 8093

Sec. 2923.241. (A) As used in this section: 8094

(1) "Controlled substance" has the same meaning as in 8095
section 3719.01 of the Revised Code. 8096

(2) "Hidden compartment" means a container, space, or 8097
enclosure that conceals, hides, or otherwise prevents the 8098
discovery of the contents of the container, space, or enclosure. 8099
"Hidden compartment" includes, but is not limited to, any of the 8100
following: 8101

(a) False, altered, or modified fuel tanks; 8102

(b) Any original factory equipment on a vehicle that has 8103
been modified to conceal, hide, or prevent the discovery of the 8104
modified equipment's contents; 8105

(c) Any compartment, space, box, or other closed container 8106
that is added or attached to existing compartments, spaces, 8107
boxes, or closed containers integrated or attached to a vehicle. 8108

(3) "Vehicle" has the same meaning as in section 4511.01 8109
of the Revised Code and includes, but is not limited to, a motor 8110
vehicle, commercial tractor, trailer, noncommercial trailer, 8111
semitrailer, mobile home, recreational vehicle, or motor home. 8112

(4) "Motor vehicle," "commercial trailer," "trailer," 8113
"noncommercial trailer," "semitrailer," "mobile home," 8114
"manufacturer," "recreational vehicle," and "motor home" have 8115
the same meanings as in section 4501.01 of the Revised Code. 8116

(5) "Motor vehicle dealer" has the same meaning as in 8117
section 4517.01 of the Revised Code. 8118

(B) No person shall knowingly design, build, construct, or 8119
fabricate a vehicle with a hidden compartment, or modify or 8120
alter any portion of a vehicle in order to create or add a 8121
hidden compartment, with the intent to facilitate the unlawful 8122
concealment or transportation of a controlled substance. 8123

(C) No person shall knowingly operate, possess, or use a 8124
vehicle with a hidden compartment with knowledge that the hidden 8125
compartment is used or intended to be used to facilitate the 8126
unlawful concealment or transportation of a controlled 8127
substance. 8128

(D) No person who has been convicted of or pleaded guilty 8129
to a violation of ~~aggravated trafficking in drugs under section~~ 8130
~~2925.03-2925.02~~ of the Revised Code that is a felony of the 8131
first or second degree shall operate, possess, or use a vehicle 8132
with a hidden compartment. 8133

(E) Whoever violates division (B) of this section is 8134
guilty of designing a vehicle with a hidden compartment used to 8135
transport a controlled substance. Except as otherwise provided 8136
in this division, designing a vehicle with a hidden compartment 8137
used to transport a controlled substance is a felony of the 8138
fourth degree. If the offender previously has been convicted of 8139
or pleaded guilty to a violation of division (B) of this 8140
section, designing a vehicle with a hidden compartment used to 8141
transport a controlled substance is a felony of the third 8142
degree. 8143

(F) Whoever violates division (C) or (D) of this section 8144
is guilty of operating a vehicle with a hidden compartment used 8145

to transport a controlled substance. Except as otherwise 8146
provided in this division, operating a vehicle with a hidden 8147
compartment used to transport a controlled substance is a felony 8148
of the fourth degree. Except as otherwise provided in this 8149
division, if the offender previously has been convicted of or 8150
pleaded guilty to a violation of division (C) or (D) of this 8151
section, operating a vehicle with a hidden compartment used to 8152
transport a controlled substance is a felony of the third 8153
degree. If the hidden compartment contains a controlled 8154
substance at the time of the offense, operating a vehicle with a 8155
hidden compartment used to transport a controlled substance is a 8156
felony of the second degree. 8157

(G) This section does not apply to any law enforcement 8158
officer acting in the performance of the law enforcement 8159
officer's duties. 8160

(H) (1) This section does not apply to any licensed motor 8161
vehicle dealer or motor vehicle manufacturer that in the 8162
ordinary course of business repairs, purchases, receives in 8163
trade, leases, or sells a motor vehicle. 8164

(2) This section does not impose a duty on a licensed 8165
motor vehicle dealer to know, discover, report, repair, or 8166
disclose the existence of a hidden compartment to any person. 8167

(I) This section does not apply to a box, safe, container, 8168
or other item added to a vehicle for the purpose of securing 8169
valuables, electronics, or firearms provided that at the time of 8170
discovery the box, safe, container, or other item added to the 8171
vehicle does not contain a controlled substance or visible 8172
residue of a controlled substance. 8173

Sec. 2923.31. As used in sections 2923.31 to 2923.36 of 8174

the Revised Code: 8175

(A) "Beneficial interest" means any of the following: 8176

(1) The interest of a person as a beneficiary under a 8177
trust in which the trustee holds title to personal or real 8178
property; 8179

(2) The interest of a person as a beneficiary under any 8180
other trust arrangement under which any other person holds title 8181
to personal or real property for the benefit of such person; 8182

(3) The interest of a person under any other form of 8183
express fiduciary arrangement under which any other person holds 8184
title to personal or real property for the benefit of such 8185
person. 8186

"Beneficial interest" does not include the interest of a 8187
stockholder in a corporation or the interest of a partner in 8188
either a general or limited partnership. 8189

(B) "Costs of investigation and prosecution" and "costs of 8190
investigation and litigation" mean all of the costs incurred by 8191
the state or a county or municipal corporation under sections 8192
2923.31 to 2923.36 of the Revised Code in the prosecution and 8193
investigation of any criminal action or in the litigation and 8194
investigation of any civil action, and includes, but is not 8195
limited to, the costs of resources and personnel. 8196

(C) "Enterprise" includes any individual, sole 8197
proprietorship, partnership, limited partnership, corporation, 8198
trust, union, government agency, or other legal entity, or any 8199
organization, association, or group of persons associated in 8200
fact although not a legal entity. "Enterprise" includes illicit 8201
as well as licit enterprises. 8202

(D) "Innocent person" includes any bona fide purchaser of property that is allegedly involved in a violation of section 2923.32 of the Revised Code, including any person who establishes a valid claim to or interest in the property in accordance with division (E) of section 2981.04 of the Revised Code, and any victim of an alleged violation of that section or of any underlying offense involved in an alleged violation of that section.

(E) "Pattern of corrupt activity" means two or more incidents of corrupt activity, whether or not there has been a prior conviction, that are related to the affairs of the same enterprise, are not isolated, and are not so closely related to each other and connected in time and place that they constitute a single event.

At least one of the incidents forming the pattern shall occur on or after January 1, 1986. Unless any incident was an aggravated murder or murder, the last of the incidents forming the pattern shall occur within six years after the commission of any prior incident forming the pattern, excluding any period of imprisonment served by any person engaging in the corrupt activity.

For the purposes of the criminal penalties that may be imposed pursuant to section 2923.32 of the Revised Code, at least one of the incidents forming the pattern shall constitute a felony under the laws of this state in existence at the time it was committed or, if committed in violation of the laws of the United States or of any other state, shall constitute a felony under the law of the United States or the other state and would be a criminal offense under the law of this state if committed in this state.

(F) "Pecuniary value" means money, a negotiable instrument, a commercial interest, or anything of value, as defined in section 1.03 of the Revised Code, or any other property or service that has a value in excess of one hundred dollars.

(G) "Person" means any person, as defined in section 1.59 of the Revised Code, and any governmental officer, employee, or entity.

(H) "Personal property" means any personal property, any interest in personal property, or any right, including, but not limited to, bank accounts, debts, corporate stocks, patents, or copyrights. Personal property and any beneficial interest in personal property are deemed to be located where the trustee of the property, the personal property, or the instrument evidencing the right is located.

(I) "Corrupt activity" means engaging in, attempting to engage in, conspiring to engage in, or soliciting, coercing, or intimidating another person to engage in any of the following:

(1) Conduct defined as "racketeering activity" under the "Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended;

(2) Conduct constituting any of the following:

(a) A violation of section 1315.55, 1322.07, 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of this section, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 2921.12,

2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 2923.17; 8262
division (F) (1) (a), (b), or (c) of section 1315.53; division (A) 8263
(1) or (2) of section 1707.042; division (B), (C) (4), (D), (E), 8264
or (F) of section 1707.44; division (A) (1) or (2) of section 8265
2923.20; division (E) or (G) of section 3772.99; division (J) (1) 8266
of section 4712.02; section 4719.02, 4719.05, or 4719.06; 8267
division (C), (D), or (E) of section 4719.07; section 4719.08; 8268
or division (A) of section 4719.09 of the Revised Code. 8269

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 8270
3769.19 of the Revised Code as it existed prior to July 1, 1996, 8271
any violation of section 2915.02 of the Revised Code that occurs 8272
on or after July 1, 1996, and that, had it occurred prior to 8273
that date, would have been a violation of section 3769.11 of the 8274
Revised Code as it existed prior to that date, or any violation 8275
of section 2915.05 of the Revised Code that occurs on or after 8276
July 1, 1996, and that, had it occurred prior to that date, 8277
would have been a violation of section 3769.15, 3769.16, or 8278
3769.19 of the Revised Code as it existed prior to that date. 8279

(c) Any violation of section 2907.21, 2907.22, 2907.31, 8280
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 8281
2913.47, 2913.51, 2915.03, 2925.02, 2925.021, 2925.03, 2925.04, 8282
2925.05, 2925.06, 2925.07, or 2925.37 of the Revised Code, any 8283
violation of section 2925.11-2925.04 or 2925.041 of the Revised 8284
Code that is a felony of the first, second, third, or fourth 8285
degree and that occurs on or after July 1, 1996, any violation 8286
of section 2915.02 of the Revised Code that occurred prior to 8287
July 1, 1996, any violation of section 2915.02 of the Revised 8288
Code that occurs on or after July 1, 1996, and that, had it 8289
occurred prior to that date, would not have been a violation of 8290
section 3769.11 of the Revised Code as it existed prior to that 8291
date, any violation of section 2915.06 of the Revised Code as it 8292

existed prior to July 1, 1996, or any violation of division (B) 8293
of section 2915.05 of the Revised Code as it exists on and after 8294
July 1, 1996, when the proceeds of the violation, the payments 8295
made in the violation, the amount of a claim for payment or for 8296
any other benefit that is false or deceptive and that is 8297
involved in the violation, or the value of the contraband or 8298
other property illegally possessed, sold, or purchased in the 8299
violation exceeds one thousand dollars, or any combination of 8300
violations described in division (I)(2)(c) of this section when 8301
the total proceeds of the combination of violations, payments 8302
made in the combination of violations, amount of the claims for 8303
payment or for other benefits that is false or deceptive and 8304
that is involved in the combination of violations, or value of 8305
the contraband or other property illegally possessed, sold, or 8306
purchased in the combination of violations exceeds one thousand 8307
dollars; 8308

(d) Any violation of section 5743.112 of the Revised Code 8309
when the amount of unpaid tax exceeds one hundred dollars; 8310

(e) Any violation or combination of violations of section 8311
2907.32 of the Revised Code involving any material or 8312
performance containing a display of bestiality or of sexual 8313
conduct, as defined in section 2907.01 of the Revised Code, that 8314
is explicit and depicted with clearly visible penetration of the 8315
genitals or clearly visible penetration by the penis of any 8316
orifice when the total proceeds of the violation or combination 8317
of violations, the payments made in the violation or combination 8318
of violations, or the value of the contraband or other property 8319
illegally possessed, sold, or purchased in the violation or 8320
combination of violations exceeds one thousand dollars; 8321

(f) Any combination of violations described in division 8322

(I) (2) (c) of this section and violations of section 2907.32 of 8323
the Revised Code involving any material or performance 8324
containing a display of bestiality or of sexual conduct, as 8325
defined in section 2907.01 of the Revised Code, that is explicit 8326
and depicted with clearly visible penetration of the genitals or 8327
clearly visible penetration by the penis of any orifice when the 8328
total proceeds of the combination of violations, payments made 8329
in the combination of violations, amount of the claims for 8330
payment or for other benefits that is false or deceptive and 8331
that is involved in the combination of violations, or value of 8332
the contraband or other property illegally possessed, sold, or 8333
purchased in the combination of violations exceeds one thousand 8334
dollars; 8335

(g) Any violation of section 2905.32 of the Revised Code 8336
to the extent the violation is not based solely on the same 8337
conduct that constitutes corrupt activity pursuant to division 8338
(I) (2) (c) of this section due to the conduct being in violation 8339
of section 2907.21 of the Revised Code. 8340

(3) Conduct constituting a violation of any law of any 8341
state other than this state that is substantially similar to the 8342
conduct described in division (I) (2) of this section, provided 8343
the defendant was convicted of the conduct in a criminal 8344
proceeding in the other state; 8345

(4) Animal or ecological terrorism; 8346

(5) (a) Conduct constituting any of the following: 8347

(i) Organized retail theft; 8348

(ii) Conduct that constitutes one or more violations of 8349
any law of any state other than this state, that is 8350
substantially similar to organized retail theft, and that if 8351

committed in this state would be organized retail theft, if the 8352
defendant was convicted of or pleaded guilty to the conduct in a 8353
criminal proceeding in the other state. 8354

(b) By enacting division (I) (5) (a) of this section, it is 8355
the intent of the general assembly to add organized retail theft 8356
and the conduct described in division (I) (5) (a) (ii) of this 8357
section as conduct constituting corrupt activity. The enactment 8358
of division (I) (5) (a) of this section and the addition by 8359
division (I) (5) (a) of this section of organized retail theft and 8360
the conduct described in division (I) (5) (a) (ii) of this section 8361
as conduct constituting corrupt activity does not limit or 8362
preclude, and shall not be construed as limiting or precluding, 8363
any prosecution for a violation of section 2923.32 of the 8364
Revised Code that is based on one or more violations of section 8365
2913.02 or 2913.51 of the Revised Code, one or more similar 8366
offenses under the laws of this state or any other state, or any 8367
combination of any of those violations or similar offenses, even 8368
though the conduct constituting the basis for those violations 8369
or offenses could be construed as also constituting organized 8370
retail theft or conduct of the type described in division (I) (5) 8371
(a) (ii) of this section. 8372

(J) "Real property" means any real property or any 8373
interest in real property, including, but not limited to, any 8374
lease of, or mortgage upon, real property. Real property and any 8375
beneficial interest in it is deemed to be located where the real 8376
property is located. 8377

(K) "Trustee" means any of the following: 8378

(1) Any person acting as trustee under a trust in which 8379
the trustee holds title to personal or real property; 8380

(2) Any person who holds title to personal or real 8381
property for which any other person has a beneficial interest; 8382

(3) Any successor trustee. 8383

"Trustee" does not include an assignee or trustee for an 8384
insolvent debtor or an executor, administrator, administrator 8385
with the will annexed, testamentary trustee, guardian, or 8386
committee, appointed by, under the control of, or accountable to 8387
a court. 8388

(L) "Unlawful debt" means any money or other thing of 8389
value constituting principal or interest of a debt that is 8390
legally unenforceable in this state in whole or in part because 8391
the debt was incurred or contracted in violation of any federal 8392
or state law relating to the business of gambling activity or 8393
relating to the business of lending money at an usurious rate 8394
unless the creditor proves, by a preponderance of the evidence, 8395
that the usurious rate was not intentionally set and that it 8396
resulted from a good faith error by the creditor, 8397
notwithstanding the maintenance of procedures that were adopted 8398
by the creditor to avoid an error of that nature. 8399

(M) "Animal activity" means any activity that involves the 8400
use of animals or animal parts, including, but not limited to, 8401
hunting, fishing, trapping, traveling, camping, the production, 8402
preparation, or processing of food or food products, clothing or 8403
garment manufacturing, medical research, other research, 8404
entertainment, recreation, agriculture, biotechnology, or 8405
service activity that involves the use of animals or animal 8406
parts. 8407

(N) "Animal facility" means a vehicle, building, 8408
structure, nature preserve, or other premises in which an animal 8409

is lawfully kept, handled, housed, exhibited, bred, or offered 8410
for sale, including, but not limited to, a zoo, rodeo, circus, 8411
amusement park, hunting preserve, or premises in which a horse 8412
or dog event is held. 8413

(O) "Animal or ecological terrorism" means the commission 8414
of any felony that involves causing or creating a substantial 8415
risk of physical harm to any property of another, the use of a 8416
deadly weapon or dangerous ordnance, or purposely, knowingly, or 8417
recklessly causing serious physical harm to property and that 8418
involves an intent to obstruct, impede, or deter any person from 8419
participating in a lawful animal activity, from mining, 8420
forestry, harvesting, gathering, or processing natural 8421
resources, or from being lawfully present in or on an animal 8422
facility or research facility. 8423

(P) "Research facility" means a place, laboratory, 8424
institution, medical care facility, government facility, or 8425
public or private educational institution in which a scientific 8426
test, experiment, or investigation involving the use of animals 8427
or other living organisms is lawfully carried out, conducted, or 8428
attempted. 8429

(Q) "Organized retail theft" means the theft of retail 8430
property with a retail value of one thousand dollars or more 8431
from one or more retail establishments with the intent to sell, 8432
deliver, or transfer that property to a retail property fence. 8433

(R) "Retail property" means any tangible personal property 8434
displayed, held, stored, or offered for sale in or by a retail 8435
establishment. 8436

(S) "Retail property fence" means a person who possesses, 8437
procures, receives, or conceals retail property that was 8438

represented to the person as being stolen or that the person 8439
knows or believes to be stolen. 8440

(T) "Retail value" means the full retail value of the 8441
retail property. In determining whether the retail value of 8442
retail property equals or exceeds one thousand dollars, the 8443
value of all retail property stolen from the retail 8444
establishment or retail establishments by the same person or 8445
persons within any one-hundred-eighty-day period shall be 8446
aggregated. 8447

Sec. 2923.41. As used in sections 2923.41 to 2923.44 of 8448
the Revised Code: 8449

(A) "Criminal gang" means an ongoing formal or informal 8450
organization, association, or group of three or more persons to 8451
which all of the following apply: 8452

(1) It has as one of its primary activities the commission 8453
of one or more of the offenses listed in division (B) of this 8454
section. 8455

(2) It has a common name or one or more common, 8456
identifying signs, symbols, or colors. 8457

(3) The persons in the organization, association, or group 8458
individually or collectively engage in or have engaged in a 8459
pattern of criminal gang activity. 8460

(B) (1) "Pattern of criminal gang activity" means, subject 8461
to division (B) (2) of this section, that persons in the criminal 8462
gang have committed, attempted to commit, conspired to commit, 8463
been complicitors in the commission of, or solicited, coerced, 8464
or intimidated another to commit, attempt to commit, conspire to 8465
commit, or be in complicity in the commission of two or more of 8466
any of the following offenses: 8467

(a) A felony or an act committed by a juvenile that would be a felony if committed by an adult; 8468
8469

(b) An offense of violence or an act committed by a juvenile that would be an offense of violence if committed by an adult; 8470
8471
8472

(c) A violation of section 2907.04, 2909.06, 2911.211, 2917.04, 2919.23, or 2919.24 of the Revised Code, section 2921.04 or 2923.16 of the Revised Code, section 2925.02 of the Revised Code if the offense is aggravated trafficking in marijuana, section 2925.021 of the Revised Code if the offense involves marijuana, section 2925.03 of the Revised Code if the offense is petty trafficking in ~~marihuana~~marijuana, or section 2927.12 of the Revised Code. 8473
8474
8475
8476
8477
8478
8479
8480

(2) There is a "pattern of criminal gang activity" if all of the following apply with respect to the offenses that are listed in division (B)(1)(a), (b), or (c) of this section and that persons in the criminal gang committed, attempted to commit, conspired to commit, were in complicity in committing, or solicited, coerced, or intimidated another to commit, attempt to commit, conspire to commit, or be in complicity in committing: 8481
8482
8483
8484
8485
8486
8487
8488

(a) At least one of the two or more offenses is a felony. 8489

(b) At least one of those two or more offenses occurs on or after January 1, 1999. 8490
8491

(c) The last of those two or more offenses occurs within five years after at least one of those offenses. 8492
8493

(d) The two or more offenses are committed on separate occasions or by two or more persons. 8494
8495

(C) "Criminal conduct" means the commission of, an attempt 8496
to commit, a conspiracy to commit, complicity in the commission 8497
of, or solicitation, coercion, or intimidation of another to 8498
commit, attempt to commit, conspire to commit, or be in 8499
complicity in the commission of an offense listed in division 8500
(B)(1)(a), (b), or (c) of this section or an act that is 8501
committed by a juvenile and that would be an offense, an attempt 8502
to commit an offense, a conspiracy to commit an offense, 8503
complicity in the commission of, or solicitation, coercion, or 8504
intimidation of another to commit, attempt to commit, conspire 8505
to commit, or be in complicity in the commission of an offense 8506
listed in division (B)(1)(a), (b), or (c) of this section if 8507
committed by an adult. 8508

(D) "Juvenile" means a person who is under eighteen years 8509
of age. 8510

(E) "Law enforcement agency" includes, but is not limited 8511
to, the state board of pharmacy and the office of a prosecutor. 8512

(F) "Prosecutor" has the same meaning as in section 8513
2935.01 of the Revised Code. 8514

Sec. 2927.21. (A) As used in this section: 8515

(1) "Offense subject to forfeiture proceedings" means any 8516
of the following: 8517

(a) A violation of section 2903.01, 2903.02, 2903.03, 8518
2903.04, 2903.041, 2903.05, 2903.06, 2903.08, 2903.09, 2903.11, 8519
2903.12, 2903.13, 2903.14, 2903.15, 2903.16, 2903.21, or 8520
2903.211 of the Revised Code; 8521

(b) A violation of section 2905.01, 2905.02, 2905.03, 8522
2905.05, 2905.11, 2905.32, or 2905.33 of the Revised Code; 8523

(c) A violation of section 2907.02, 2907.03, 2907.04, 8524
2907.05, 2907.06, 2907.07, 2907.19, 2907.21, 2907.22, 2907.321, 8525
2907.322, or 2907.323 of the Revised Code; 8526

(d) A violation of section 2909.02, 2909.03, 2909.22, 8527
2909.23, 2909.24, 2909.26, 2909.27, 2909.28, or 2909.29 of the 8528
Revised Code; 8529

(e) A violation of section 2911.01, 2911.02, 2911.11, 8530
2911.12, or 2911.13 of the Revised Code; 8531

(f) A violation of section 2915.02, 2915.03, 2915.04, or 8532
2915.05 of the Revised Code; 8533

(g) A violation of section 2921.02, 2921.03, 2921.04, 8534
2921.05, 2921.11, 2921.12, or 2921.41 of the Revised Code; 8535

(h) A violation of section 2925.02, 2925.021, 2925.03, 8536
2925.04, 2925.041, 2925.05, 2925.06, 2925.061, 2925.07, 2925.08, 8537
or 2925.09, ~~or 2925.11~~ of the Revised Code; 8538

(i) A conspiracy or attempt to commit, or complicity in 8539
committing, any offense under division (A) (1) (a), (b), (c), (d), 8540
(e), (f), (g), or (h) of this section. 8541

(2) "Proceeds" has the same meaning as in section 2981.01 8542
of the Revised Code. 8543

(3) "Vehicle" has the same meaning as in section 4501.01 8544
of the Revised Code. 8545

(B) No person shall receive, retain, possess, or dispose 8546
of proceeds knowing or having reasonable cause to believe that 8547
the proceeds were derived from the commission of an offense 8548
subject to forfeiture proceedings. 8549

(C) It is not a defense to a charge of receiving proceeds 8550

of an offense subject to forfeiture proceedings in violation of 8551
this section that the proceeds were derived by means other than 8552
the commission of an offense subject to forfeiture proceedings 8553
if the property was explicitly represented to the accused person 8554
as having been derived from the commission of an offense subject 8555
to forfeiture proceedings. 8556

(D) A person shall be considered to have received, 8557
retained, possessed, or disposed of proceeds if the proceeds are 8558
found anywhere in a vehicle and the person was the last person 8559
who operated the vehicle immediately prior to the search of the 8560
vehicle by the law enforcement officer who found the proceeds. 8561

(E) Whoever violates this section is guilty of receiving 8562
proceeds of an offense subject to forfeiture proceedings. If the 8563
value of the proceeds involved is less than one thousand 8564
dollars, receiving proceeds of an offense subject to forfeiture 8565
proceedings is a misdemeanor of the first degree. If the value 8566
of the proceeds involved is one thousand dollars or more and is 8567
less than twenty-five thousand dollars, receiving proceeds of an 8568
offense subject to forfeiture proceedings is a felony of the 8569
fifth degree. If the value of the proceeds involved is twenty- 8570
five thousand dollars or more and is less than one hundred fifty 8571
thousand dollars, receiving proceeds of an offense subject to 8572
forfeiture proceedings is a felony of the fourth degree. If the 8573
value of the proceeds involved is one hundred fifty thousand 8574
dollars or more, receiving proceeds of an offense subject to 8575
forfeiture proceedings is a felony of the third degree. 8576

Sec. 2929.13. (A) Except as provided in division (E), (F), 8577
or (G) of this section and unless a specific sanction is 8578
required to be imposed or is precluded from being imposed 8579
pursuant to law, a court that imposes a sentence upon an 8580

offender for a felony may impose any sanction or combination of 8581
sanctions on the offender that are provided in sections 2929.14 8582
to 2929.18 of the Revised Code. 8583

If the offender is eligible to be sentenced to community 8584
control sanctions, the court shall consider the appropriateness 8585
of imposing a financial sanction pursuant to section 2929.18 of 8586
the Revised Code or a sanction of community service pursuant to 8587
section 2929.17 of the Revised Code as the sole sanction for the 8588
offense. Except as otherwise provided in this division, if the 8589
court is required to impose a mandatory prison term for the 8590
offense for which sentence is being imposed, the court also 8591
shall impose any financial sanction pursuant to section 2929.18 8592
of the Revised Code that is required for the offense and may 8593
impose any other financial sanction pursuant to that section but 8594
may not impose any additional sanction or combination of 8595
sanctions under section 2929.16 or 2929.17 of the Revised Code. 8596

If the offender is being sentenced for a fourth degree 8597
felony OVI offense or for a third degree felony OVI offense, in 8598
addition to the mandatory term of local incarceration or the 8599
mandatory prison term required for the offense by division (G) 8600
(1) or (2) of this section, the court shall impose upon the 8601
offender a mandatory fine in accordance with division (B) (3) of 8602
section 2929.18 of the Revised Code and may impose whichever of 8603
the following is applicable: 8604

(1) For a fourth degree felony OVI offense for which 8605
sentence is imposed under division (G) (1) of this section, an 8606
additional community control sanction or combination of 8607
community control sanctions under section 2929.16 or 2929.17 of 8608
the Revised Code. If the court imposes upon the offender a 8609
community control sanction and the offender violates any 8610

condition of the community control sanction, the court may take 8611
any action prescribed in division (B) of section 2929.15 of the 8612
Revised Code relative to the offender, including imposing a 8613
prison term on the offender pursuant to that division. 8614

(2) For a third or fourth degree felony OVI offense for 8615
which sentence is imposed under division (G)(2) of this section, 8616
an additional prison term as described in division (B)(4) of 8617
section 2929.14 of the Revised Code or a community control 8618
sanction as described in division (G)(2) of this section. 8619

(B)(1)(a) Except as provided in division (B)(1)(b) of this 8620
section, if an offender is convicted of or pleads guilty to a 8621
felony of the fourth or fifth degree that is not an offense of 8622
violence or that is a qualifying assault offense, the court 8623
shall sentence the offender to a community control sanction or 8624
combination of community control sanctions if all of the 8625
following apply: 8626

(i) The offender previously has not been convicted of or 8627
pleaded guilty to a felony offense. 8628

(ii) The most serious charge against the offender at the 8629
time of sentencing is a felony of the fourth or fifth degree. 8630

(iii) If the court made a request of the department of 8631
rehabilitation and correction pursuant to division (B)(1)(c) of 8632
this section, the department, within the forty-five-day period 8633
specified in that division, provided the court with the names 8634
of, contact information for, and program details of one or more 8635
community control sanctions that are available for persons 8636
sentenced by the court. 8637

(iv) The offender previously has not been convicted of or 8638
pleaded guilty to a misdemeanor offense of violence that the 8639

offender committed within two years prior to the offense for 8640
which sentence is being imposed. 8641

(b) The court has discretion to impose a prison term upon 8642
an offender who is convicted of or pleads guilty to a felony of 8643
the fourth or fifth degree that is not an offense of violence or 8644
that is a qualifying assault offense if any of the following 8645
apply: 8646

(i) The offender committed the offense while having a 8647
firearm on or about the offender's person or under the 8648
offender's control. 8649

(ii) If the offense is a qualifying assault offense, the 8650
offender caused serious physical harm to another person while 8651
committing the offense, and, if the offense is not a qualifying 8652
assault offense, the offender caused physical harm to another 8653
person while committing the offense. 8654

(iii) The offender violated a term of the conditions of 8655
bond as set by the court. 8656

(iv) The court made a request of the department of 8657
rehabilitation and correction pursuant to division (B)(1)(c) of 8658
this section, and the department, within the forty-five-day 8659
period specified in that division, did not provide the court 8660
with the name of, contact information for, and program details 8661
of any community control sanction that is available for persons 8662
sentenced by the court. 8663

(v) The offense is a sex offense that is a fourth or fifth 8664
degree felony violation of any provision of Chapter 2907. of the 8665
Revised Code. 8666

(vi) In committing the offense, the offender attempted to 8667
cause or made an actual threat of physical harm to a person with 8668

a deadly weapon. 8669

(vii) In committing the offense, the offender attempted to 8670
cause or made an actual threat of physical harm to a person, and 8671
the offender previously was convicted of an offense that caused 8672
physical harm to a person. 8673

(viii) The offender held a public office or position of 8674
trust, and the offense related to that office or position; the 8675
offender's position obliged the offender to prevent the offense 8676
or to bring those committing it to justice; or the offender's 8677
professional reputation or position facilitated the offense or 8678
was likely to influence the future conduct of others. 8679

(ix) The offender committed the offense for hire or as 8680
part of an organized criminal activity. 8681

(x) The offender at the time of the offense was serving, 8682
or the offender previously had served, a prison term. 8683

(xi) The offender committed the offense while under a 8684
community control sanction, while on probation, or while 8685
released from custody on a bond or personal recognizance. 8686

(c) If a court that is sentencing an offender who is 8687
convicted of or pleads guilty to a felony of the fourth or fifth 8688
degree that is not an offense of violence or that is a 8689
qualifying assault offense believes that no community control 8690
sanctions are available for its use that, if imposed on the 8691
offender, will adequately fulfill the overriding principles and 8692
purposes of sentencing, the court shall contact the department 8693
of rehabilitation and correction and ask the department to 8694
provide the court with the names of, contact information for, 8695
and program details of one or more community control sanctions 8696
that are available for persons sentenced by the court. Not later 8697

than forty-five days after receipt of a request from a court 8698
under this division, the department shall provide the court with 8699
the names of, contact information for, and program details of 8700
one or more community control sanctions that are available for 8701
persons sentenced by the court, if any. Upon making a request 8702
under this division that relates to a particular offender, a 8703
court shall defer sentencing of that offender until it receives 8704
from the department the names of, contact information for, and 8705
program details of one or more community control sanctions that 8706
are available for persons sentenced by the court or for forty- 8707
five days, whichever is the earlier. 8708

If the department provides the court with the names of, 8709
contact information for, and program details of one or more 8710
community control sanctions that are available for persons 8711
sentenced by the court within the forty-five-day period 8712
specified in this division, the court shall impose upon the 8713
offender a community control sanction under division (B) (1) (a) 8714
of this section, except that the court may impose a prison term 8715
under division (B) (1) (b) of this section if a factor described 8716
in division (B) (1) (b) (i) or (ii) of this section applies. If the 8717
department does not provide the court with the names of, contact 8718
information for, and program details of one or more community 8719
control sanctions that are available for persons sentenced by 8720
the court within the forty-five-day period specified in this 8721
division, the court may impose upon the offender a prison term 8722
under division (B) (1) (b) (iv) of this section. 8723

(d) A sentencing court may impose an additional penalty 8724
under division (B) of section 2929.15 of the Revised Code upon 8725
an offender sentenced to a community control sanction under 8726
division (B) (1) (a) of this section if the offender violates the 8727
conditions of the community control sanction, violates a law, or 8728

leaves the state without the permission of the court or the 8729
offender's probation officer. 8730

(2) If division (B)(1) of this section does not apply, 8731
except as provided in division (E), (F), or (G) of this section, 8732
in determining whether to impose a prison term as a sanction for 8733
a felony of the fourth or fifth degree, the sentencing court 8734
shall comply with the purposes and principles of sentencing 8735
under section 2929.11 of the Revised Code and with section 8736
2929.12 of the Revised Code. 8737

(C) Except as provided in division (D), (E), (F), or (G) 8738
of this section, in determining whether to impose a prison term 8739
as a sanction for a felony of the third degree or a felony drug 8740
offense that is a violation of a provision of Chapter 2925. of 8741
the Revised Code and that is specified as being subject to this 8742
division for purposes of sentencing, the sentencing court shall 8743
comply with the purposes and principles of sentencing under 8744
section 2929.11 of the Revised Code and with section 2929.12 of 8745
the Revised Code. 8746

(D)(1) Except as provided in division (E) or (F) of this 8747
section, for a felony of the first or second degree, for a 8748
felony drug offense that is a violation of any provision of 8749
Chapter 2925., 3719., or 4729. of the Revised Code for which a 8750
presumption in favor of a prison term is specified as being 8751
applicable, and for a violation of division (A)(4) or (B) of 8752
section 2907.05 of the Revised Code for which a presumption in 8753
favor of a prison term is specified as being applicable, it is 8754
presumed that a prison term is necessary in order to comply with 8755
the purposes and principles of sentencing under section 2929.11 8756
of the Revised Code. Division (D)(2) of this section does not 8757
apply to a presumption established under this division for a 8758

violation of division (A) (4) of section 2907.05 of the Revised Code. 8759
8760

(2) Notwithstanding the presumption established under 8761
division (D) (1) of this section for the offenses listed in that 8762
division other than a violation of division (A) (4) or (B) of 8763
section 2907.05 of the Revised Code, the sentencing court may 8764
impose a community control sanction or a combination of 8765
community control sanctions instead of a prison term on an 8766
offender for a felony of the first or second degree or for a 8767
felony drug offense that is a violation of any provision of 8768
Chapter 2925., 3719., or 4729. of the Revised Code for which a 8769
presumption in favor of a prison term is specified as being 8770
applicable if it makes both of the following findings: 8771

(a) A community control sanction or a combination of 8772
community control sanctions would adequately punish the offender 8773
and protect the public from future crime, because the applicable 8774
factors under section 2929.12 of the Revised Code indicating a 8775
lesser likelihood of recidivism outweigh the applicable factors 8776
under that section indicating a greater likelihood of 8777
recidivism. 8778

(b) A community control sanction or a combination of 8779
community control sanctions would not demean the seriousness of 8780
the offense, because one or more factors under section 2929.12 8781
of the Revised Code that indicate that the offender's conduct 8782
was less serious than conduct normally constituting the offense 8783
are applicable, and they outweigh the applicable factors under 8784
that section that indicate that the offender's conduct was more 8785
serious than conduct normally constituting the offense. 8786

(E) (1) Except as provided in division (F) of this section, 8787
for any drug offense that is a violation of any provision of 8788

Chapter 2925. of the Revised Code and that is a felony of the 8789
third, fourth, or fifth degree, the applicability of a 8790
presumption under division (D) of this section in favor of a 8791
prison term or of division (B) or (C) of this section in 8792
determining whether to impose a prison term for the offense 8793
shall be determined as specified in section 2925.02, 2925.021, 8794
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, ~~2925.11,~~ 2925.07, 8795
2925.08, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 8796
Revised Code, whichever is applicable regarding the violation. 8797

(2) If an offender who was convicted of or pleaded guilty 8798
to a felony violates the conditions of a community control 8799
sanction imposed for the offense solely by reason of producing 8800
positive results on a drug test or by acting pursuant to 8801
division (B) (2) ~~(b)~~ (a) of section ~~2925.11~~ 2925.04 of the Revised 8802
Code with respect to a minor drug possession offense, the court, 8803
as punishment for the violation of the sanction, shall not order 8804
that the offender be imprisoned unless the court determines on 8805
the record either of the following: 8806

(a) The offender had been ordered as a sanction for the 8807
felony to participate in a drug treatment program, in a drug 8808
education program, or in narcotics anonymous or a similar 8809
program, and the offender continued to use illegal drugs after a 8810
reasonable period of participation in the program. 8811

(b) The imprisonment of the offender for the violation is 8812
consistent with the purposes and principles of sentencing set 8813
forth in section 2929.11 of the Revised Code. 8814

(3) A court that sentences an offender for a drug abuse 8815
offense that is a felony of the third, fourth, or fifth degree 8816
may require that the offender be assessed by a properly 8817
credentialed professional within a specified period of time. The 8818

court shall require the professional to file a written 8819
assessment of the offender with the court. If the offender is 8820
eligible for a community control sanction and after considering 8821
the written assessment, the court may impose a community control 8822
sanction that includes addiction services and recovery supports 8823
included in a community-based continuum of care established 8824
under section 340.032 of the Revised Code. If the court imposes 8825
addiction services and recovery supports as a community control 8826
sanction, the court shall direct the level and type of addiction 8827
services and recovery supports after considering the assessment 8828
and recommendation of community addiction services providers. 8829

(F) Notwithstanding divisions (A) to (E) of this section, 8830
the court shall impose a prison term or terms under sections 8831
2929.02 to 2929.06, section 2929.14, section 2929.142, or 8832
section 2971.03 of the Revised Code and except as specifically 8833
provided in section 2929.20, divisions (C) to (I) of section 8834
2967.19, or section 2967.191 of the Revised Code or when parole 8835
is authorized for the offense under section 2967.13 of the 8836
Revised Code shall not reduce the term or terms pursuant to 8837
section 2929.20, section 2967.19, section 2967.193, or any other 8838
provision of Chapter 2967. or Chapter 5120. of the Revised Code 8839
for any of the following offenses: 8840

(1) Aggravated murder when death is not imposed or murder; 8841

(2) Any rape, regardless of whether force was involved and 8842
regardless of the age of the victim, or an attempt to commit 8843
rape if, had the offender completed the rape that was attempted, 8844
the offender would have been guilty of a violation of division 8845
(A) (1) (b) of section 2907.02 of the Revised Code and would be 8846
sentenced under section 2971.03 of the Revised Code; 8847

(3) Gross sexual imposition or sexual battery, if the 8848

victim is less than thirteen years of age and if any of the 8849
following applies: 8850

(a) Regarding gross sexual imposition, the offender 8851
previously was convicted of or pleaded guilty to rape, the 8852
former offense of felonious sexual penetration, gross sexual 8853
imposition, or sexual battery, and the victim of the previous 8854
offense was less than thirteen years of age; 8855

(b) Regarding gross sexual imposition, the offense was 8856
committed on or after August 3, 2006, and evidence other than 8857
the testimony of the victim was admitted in the case 8858
corroborating the violation. 8859

(c) Regarding sexual battery, either of the following 8860
applies: 8861

(i) The offense was committed prior to August 3, 2006, the 8862
offender previously was convicted of or pleaded guilty to rape, 8863
the former offense of felonious sexual penetration, or sexual 8864
battery, and the victim of the previous offense was less than 8865
thirteen years of age. 8866

(ii) The offense was committed on or after August 3, 2006. 8867

(4) A felony violation of section 2903.04, 2903.06, 8868
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2921.321, 8869
or 2923.132 of the Revised Code if the section requires the 8870
imposition of a prison term; 8871

(5) A first, second, or third degree felony drug offense 8872
for which section 2925.02, ~~2925.03, 2925.04, 2925.05, 2925.06,~~ 8873
~~2925.11, 2925.13, 2925.22, 2925.23, 2925.021, 2925.07, or~~ 8874
~~2925.36, 2925.37, 3719.99, or 4729.99~~ of the Revised Code, 8875
whichever is applicable regarding the violation, requires the 8876
imposition of a mandatory prison term; 8877

(6) Any offense that is a first or second degree felony 8878
and that is not set forth in division (F) (1), (2), (3), or (4) 8879
of this section, if the offender previously was convicted of or 8880
pleaded guilty to aggravated murder, murder, any first or second 8881
degree felony, or an offense under an existing or former law of 8882
this state, another state, or the United States that is or was 8883
substantially equivalent to one of those offenses; 8884

(7) Any offense that is a third degree felony and either 8885
is a violation of section 2903.04 of the Revised Code or an 8886
attempt to commit a felony of the second degree that is an 8887
offense of violence and involved an attempt to cause serious 8888
physical harm to a person or that resulted in serious physical 8889
harm to a person if the offender previously was convicted of or 8890
pleaded guilty to any of the following offenses: 8891

(a) Aggravated murder, murder, involuntary manslaughter, 8892
rape, felonious sexual penetration as it existed under section 8893
2907.12 of the Revised Code prior to September 3, 1996, a felony 8894
of the first or second degree that resulted in the death of a 8895
person or in physical harm to a person, or complicity in or an 8896
attempt to commit any of those offenses; 8897

(b) An offense under an existing or former law of this 8898
state, another state, or the United States that is or was 8899
substantially equivalent to an offense listed in division (F) (7) 8900
(a) of this section that resulted in the death of a person or in 8901
physical harm to a person. 8902

(8) Any offense, other than a violation of section 2923.12 8903
of the Revised Code, that is a felony, if the offender had a 8904
firearm on or about the offender's person or under the 8905
offender's control while committing the felony, with respect to 8906
a portion of the sentence imposed pursuant to division (B) (1) (a) 8907

of section 2929.14 of the Revised Code for having the firearm; 8908

(9) Any offense of violence that is a felony, if the 8909
offender wore or carried body armor while committing the felony 8910
offense of violence, with respect to the portion of the sentence 8911
imposed pursuant to division (B)(1)(d) of section 2929.14 of the 8912
Revised Code for wearing or carrying the body armor; 8913

(10) Corrupt activity in violation of section 2923.32 of 8914
the Revised Code when the most serious offense in the pattern of 8915
corrupt activity that is the basis of the offense is a felony of 8916
the first degree; 8917

(11) Any violent sex offense or designated homicide, 8918
assault, or kidnapping offense if, in relation to that offense, 8919
the offender is adjudicated a sexually violent predator; 8920

(12) A violation of division (A)(1) or (2) of section 8921
2921.36 of the Revised Code, or a violation of division (C) of 8922
that section involving an item listed in division (A)(1) or (2) 8923
of that section, if the offender is an officer or employee of 8924
the department of rehabilitation and correction; 8925

(13) A violation of division (A)(1) or (2) of section 8926
2903.06 of the Revised Code if the victim of the offense is a 8927
peace officer, as defined in section 2935.01 of the Revised 8928
Code, or an investigator of the bureau of criminal 8929
identification and investigation, as defined in section 2903.11 8930
of the Revised Code, with respect to the portion of the sentence 8931
imposed pursuant to division (B)(5) of section 2929.14 of the 8932
Revised Code; 8933

(14) A violation of division (A)(1) or (2) of section 8934
2903.06 of the Revised Code if the offender has been convicted 8935
of or pleaded guilty to three or more violations of division (A) 8936

or (B) of section 4511.19 of the Revised Code or an equivalent offense, as defined in section 2941.1415 of the Revised Code, or three or more violations of any combination of those divisions and offenses, with respect to the portion of the sentence imposed pursuant to division (B) (6) of section 2929.14 of the Revised Code;

(15) Kidnapping, in the circumstances specified in section 2971.03 of the Revised Code and when no other provision of division (F) of this section applies;

(16) Kidnapping, abduction, compelling prostitution, promoting prostitution, engaging in a pattern of corrupt activity, a violation of division (A) (1) or (2) of section 2907.323 of the Revised Code that involves a minor, or endangering children in violation of division (B) (1), (2), (3), (4), or (5) of section 2919.22 of the Revised Code, if the offender is convicted of or pleads guilty to a specification as described in section 2941.1422 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense;

(17) A felony violation of division (A) or (B) of section 2919.25 of the Revised Code if division (D) (3), (4), or (5) of that section, and division (D) (6) of that section, require the imposition of a prison term;

(18) A felony violation of section 2903.11, 2903.12, or 2903.13 of the Revised Code, if the victim of the offense was a woman that the offender knew was pregnant at the time of the violation, with respect to a portion of the sentence imposed pursuant to division (B) (8) of section 2929.14 of the Revised Code;

(19) (a) Any violent felony offense if the offender is a violent career criminal and had a firearm on or about the offender's person or under the offender's control during the commission of the violent felony offense and displayed or brandished the firearm, indicated that the offender possessed a firearm, or used the firearm to facilitate the offense, with respect to the portion of the sentence imposed under division (K) of section 2929.14 of the Revised Code.

(b) As used in division (F) (19) (a) of this section, "violent career criminal" and "violent felony offense" have the same meanings as in section 2923.132 of the Revised Code;

(20) Any violation of division (A) (1) of section 2903.11 of the Revised Code if the offender used an accelerant in committing the violation and the serious physical harm to another or another's unborn caused by the violation resulted in a permanent, serious disfigurement or permanent, substantial incapacity or any violation of division (A) (2) of that section if the offender used an accelerant in committing the violation, the violation caused physical harm to another or another's unborn, and the physical harm resulted in a permanent, serious disfigurement or permanent, substantial incapacity, with respect to a portion of the sentence imposed pursuant to division (B) (9) of section 2929.14 of the Revised Code. The provisions of this division and of division (D) (2) of section 2903.11, divisions (B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of the Revised Code shall be known as "Judy's Law."

(21) Any violation of division (A) of section 2903.11 of the Revised Code if the victim of the offense suffered permanent disabling harm as a result of the offense and the victim was under ten years of age at the time of the offense, with respect

to a portion of the sentence imposed pursuant to division (B) 8996
(10) of section 2929.14 of the Revised Code. 8997

~~(22) A felony violation of section 2925.03, 2925.05, or 8998
2925.11 of the Revised Code, if the drug involved in the 8999
violation is a fentanyl-related compound or a compound, mixture, 9000
preparation, or substance containing a fentanyl-related compound 9001
and the offender is convicted of or pleads guilty to a 9002
specification of the type described in division (B) of section 9003
2941.1410 of the Revised Code that was included in the 9004
indictment, count in the indictment, or information charging the 9005
offense, with respect to the portion of the sentence imposed 9006
under division (B) (9) of section 2929.14 of the Revised Code. 9007~~

(G) Notwithstanding divisions (A) to (E) of this section, 9008
if an offender is being sentenced for a fourth degree felony OVI 9009
offense or for a third degree felony OVI offense, the court 9010
shall impose upon the offender a mandatory term of local 9011
incarceration or a mandatory prison term in accordance with the 9012
following: 9013

(1) If the offender is being sentenced for a fourth degree 9014
felony OVI offense and if the offender has not been convicted of 9015
and has not pleaded guilty to a specification of the type 9016
described in section 2941.1413 of the Revised Code, the court 9017
may impose upon the offender a mandatory term of local 9018
incarceration of sixty days or one hundred twenty days as 9019
specified in division (G) (1) (d) of section 4511.19 of the 9020
Revised Code. The court shall not reduce the term pursuant to 9021
section 2929.20, 2967.193, or any other provision of the Revised 9022
Code. The court that imposes a mandatory term of local 9023
incarceration under this division shall specify whether the term 9024
is to be served in a jail, a community-based correctional 9025

facility, a halfway house, or an alternative residential 9026
facility, and the offender shall serve the term in the type of 9027
facility specified by the court. A mandatory term of local 9028
incarceration imposed under division (G)(1) of this section is 9029
not subject to any other Revised Code provision that pertains to 9030
a prison term except as provided in division (A)(1) of this 9031
section. 9032

(2) If the offender is being sentenced for a third degree 9033
felony OVI offense, or if the offender is being sentenced for a 9034
fourth degree felony OVI offense and the court does not impose a 9035
mandatory term of local incarceration under division (G)(1) of 9036
this section, the court shall impose upon the offender a 9037
mandatory prison term of one, two, three, four, or five years if 9038
the offender also is convicted of or also pleads guilty to a 9039
specification of the type described in section 2941.1413 of the 9040
Revised Code or shall impose upon the offender a mandatory 9041
prison term of sixty days or one hundred twenty days as 9042
specified in division (G)(1)(d) or (e) of section 4511.19 of the 9043
Revised Code if the offender has not been convicted of and has 9044
not pleaded guilty to a specification of that type. Subject to 9045
divisions (C) to (I) of section 2967.19 of the Revised Code, the 9046
court shall not reduce the term pursuant to section 2929.20, 9047
2967.19, 2967.193, or any other provision of the Revised Code. 9048
The offender shall serve the one-, two-, three-, four-, or five- 9049
year mandatory prison term consecutively to and prior to the 9050
prison term imposed for the underlying offense and consecutively 9051
to any other mandatory prison term imposed in relation to the 9052
offense. In no case shall an offender who once has been 9053
sentenced to a mandatory term of local incarceration pursuant to 9054
division (G)(1) of this section for a fourth degree felony OVI 9055
offense be sentenced to another mandatory term of local 9056

incarceration under that division for any violation of division 9057
(A) of section 4511.19 of the Revised Code. In addition to the 9058
mandatory prison term described in division (G)(2) of this 9059
section, the court may sentence the offender to a community 9060
control sanction under section 2929.16 or 2929.17 of the Revised 9061
Code, but the offender shall serve the prison term prior to 9062
serving the community control sanction. The department of 9063
rehabilitation and correction may place an offender sentenced to 9064
a mandatory prison term under this division in an intensive 9065
program prison established pursuant to section 5120.033 of the 9066
Revised Code if the department gave the sentencing judge prior 9067
notice of its intent to place the offender in an intensive 9068
program prison established under that section and if the judge 9069
did not notify the department that the judge disapproved the 9070
placement. Upon the establishment of the initial intensive 9071
program prison pursuant to section 5120.033 of the Revised Code 9072
that is privately operated and managed by a contractor pursuant 9073
to a contract entered into under section 9.06 of the Revised 9074
Code, both of the following apply: 9075

(a) The department of rehabilitation and correction shall 9076
make a reasonable effort to ensure that a sufficient number of 9077
offenders sentenced to a mandatory prison term under this 9078
division are placed in the privately operated and managed prison 9079
so that the privately operated and managed prison has full 9080
occupancy. 9081

(b) Unless the privately operated and managed prison has 9082
full occupancy, the department of rehabilitation and correction 9083
shall not place any offender sentenced to a mandatory prison 9084
term under this division in any intensive program prison 9085
established pursuant to section 5120.033 of the Revised Code 9086
other than the privately operated and managed prison. 9087

(H) If an offender is being sentenced for a sexually 9088
oriented offense or child-victim oriented offense that is a 9089
felony committed on or after January 1, 1997, the judge shall 9090
require the offender to submit to a DNA specimen collection 9091
procedure pursuant to section 2901.07 of the Revised Code. 9092

(I) If an offender is being sentenced for a sexually 9093
oriented offense or a child-victim oriented offense committed on 9094
or after January 1, 1997, the judge shall include in the 9095
sentence a summary of the offender's duties imposed under 9096
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 9097
Code and the duration of the duties. The judge shall inform the 9098
offender, at the time of sentencing, of those duties and of 9099
their duration. If required under division (A)(2) of section 9100
2950.03 of the Revised Code, the judge shall perform the duties 9101
specified in that section, or, if required under division (A)(6) 9102
of section 2950.03 of the Revised Code, the judge shall perform 9103
the duties specified in that division. 9104

(J)(1) Except as provided in division (J)(2) of this 9105
section, when considering sentencing factors under this section 9106
in relation to an offender who is convicted of or pleads guilty 9107
to an attempt to commit an offense in violation of section 9108
2923.02 of the Revised Code, the sentencing court shall consider 9109
the factors applicable to the felony category of the violation 9110
of section 2923.02 of the Revised Code instead of the factors 9111
applicable to the felony category of the offense attempted. 9112

(2) When considering sentencing factors under this section 9113
in relation to an offender who is convicted of or pleads guilty 9114
to an attempt to commit a drug abuse offense for which the 9115
penalty is determined by the amount or number of unit doses of 9116
the controlled substance involved in the drug abuse offense, the 9117

sentencing court shall consider the factors applicable to the 9118
felony category that the drug abuse offense attempted would be 9119
if that drug abuse offense had been committed and had involved 9120
an amount or number of unit doses of the controlled substance 9121
that is within the next lower range of controlled substance 9122
amounts than was involved in the attempt. 9123

(K) As used in this section: 9124

(1) "Community addiction services provider" has the same 9125
meaning as in section 5119.01 of the Revised Code. 9126

(2) "Drug abuse offense" has the same meaning as in 9127
section 2925.01 of the Revised Code. 9128

(3) "Minor drug possession offense" has the same meaning 9129
as in section ~~2925.11~~2925.01 of the Revised Code. 9130

(4) "Qualifying assault offense" means a violation of 9131
section 2903.13 of the Revised Code for which the penalty 9132
provision in division (C) (8) (b) or (C) (9) (b) of that section 9133
applies. 9134

(L) At the time of sentencing an offender for any sexually 9135
oriented offense, if the offender is a tier III sex 9136
offender/child-victim offender relative to that offense and the 9137
offender does not serve a prison term or jail term, the court 9138
may require that the offender be monitored by means of a global 9139
positioning device. If the court requires such monitoring, the 9140
cost of monitoring shall be borne by the offender. If the 9141
offender is indigent, the cost of compliance shall be paid by 9142
the crime victims reparations fund. 9143

Sec. 2929.141. (A) Upon the conviction of or plea of 9144
guilty to a felony by a person on post-release control at the 9145
time of the commission of the felony, the court may terminate 9146

the term of post-release control, and the court may do either of 9147
the following regardless of whether the sentencing court or 9148
another court of this state imposed the original prison term for 9149
which the person is on post-release control: 9150

(1) In addition to any prison term for the new felony, 9151
impose a prison term for the post-release control violation. The 9152
maximum prison term for the violation shall be the greater of 9153
twelve months or the period of post-release control for the 9154
earlier felony minus any time the person has spent under post- 9155
release control for the earlier felony. In all cases, any prison 9156
term imposed for the violation shall be reduced by any prison 9157
term that is administratively imposed by the parole board as a 9158
post-release control sanction. A prison term imposed for the 9159
violation shall be served consecutively to any prison term 9160
imposed for the new felony. The imposition of a prison term for 9161
the post-release control violation shall terminate the period of 9162
post-release control for the earlier felony. 9163

(2) Impose a sanction under sections 2929.15 to 2929.18 of 9164
the Revised Code for the violation that shall be served 9165
concurrently or consecutively, as specified by the court, with 9166
any community control sanctions for the new felony. 9167

(B) If a person on post-release control was acting 9168
pursuant to division (B) (2) ~~(b)~~ (a) of section ~~2925.11~~ 2925.04 of 9169
the Revised Code and in so doing violated the conditions of a 9170
post-release control sanction based on a minor drug possession 9171
offense, as defined in section ~~2925.11~~ 2925.01 of the Revised 9172
Code, the court may consider the person's conduct in seeking or 9173
obtaining medical assistance for another in good faith or for 9174
self or may consider the person being the subject of another 9175
person seeking or obtaining medical assistance in accordance 9176

with that division as a mitigating factor before imposing any of 9177
the penalties described in division (A) of this section. 9178

(C) Upon the conviction of or plea of guilty to a felony 9179
by a person on transitional control under section 2967.26 of the 9180
Revised Code at the time of the commission of the felony, the 9181
court may, in addition to any prison term for the new felony, 9182
impose a prison term not exceeding twelve months for having 9183
committed the felony while on transitional control. An 9184
additional prison term imposed pursuant to this section shall be 9185
served consecutively to any prison term imposed for the new 9186
felony. The sentencing court may impose the additional prison 9187
term authorized by this section regardless of whether the 9188
sentencing court or another court of this state imposed the 9189
original prison term for which the person is on transitional 9190
control. 9191

Sec. 2929.15. (A) (1) If in sentencing an offender for a 9192
felony the court is not required to impose a prison term, a 9193
mandatory prison term, or a term of life imprisonment upon the 9194
offender, the court may directly impose a sentence that consists 9195
of one or more community control sanctions authorized pursuant 9196
to section 2929.16, 2929.17, or 2929.18 of the Revised Code. If 9197
the court is sentencing an offender for a fourth degree felony 9198
OVI offense under division (G) (1) of section 2929.13 of the 9199
Revised Code, in addition to the mandatory term of local 9200
incarceration imposed under that division and the mandatory fine 9201
required by division (B) (3) of section 2929.18 of the Revised 9202
Code, the court may impose upon the offender a community control 9203
sanction or combination of community control sanctions in 9204
accordance with sections 2929.16 and 2929.17 of the Revised 9205
Code. If the court is sentencing an offender for a third or 9206
fourth degree felony OVI offense under division (G) (2) of 9207

section 2929.13 of the Revised Code, in addition to the 9208
mandatory prison term or mandatory prison term and additional 9209
prison term imposed under that division, the court also may 9210
impose upon the offender a community control sanction or 9211
combination of community control sanctions under section 2929.16 9212
or 2929.17 of the Revised Code, but the offender shall serve all 9213
of the prison terms so imposed prior to serving the community 9214
control sanction. 9215

The duration of all community control sanctions imposed 9216
upon an offender under this division shall not exceed five 9217
years. If the offender absconds or otherwise leaves the 9218
jurisdiction of the court in which the offender resides without 9219
obtaining permission from the court or the offender's probation 9220
officer to leave the jurisdiction of the court, or if the 9221
offender is confined in any institution for the commission of 9222
any offense while under a community control sanction, the period 9223
of the community control sanction ceases to run until the 9224
offender is brought before the court for its further action. If 9225
the court sentences the offender to one or more nonresidential 9226
sanctions under section 2929.17 of the Revised Code, the court 9227
shall impose as a condition of the nonresidential sanctions 9228
that, during the period of the sanctions, the offender must 9229
abide by the law and must not leave the state without the 9230
permission of the court or the offender's probation officer. The 9231
court may impose any other conditions of release under a 9232
community control sanction that the court considers appropriate, 9233
including, but not limited to, requiring that the offender not 9234
ingest or be injected with a drug of abuse and submit to random 9235
drug testing as provided in division (D) of this section to 9236
determine whether the offender ingested or was injected with a 9237
drug of abuse and requiring that the results of the drug test 9238

indicate that the offender did not ingest or was not injected 9239
with a drug of abuse. 9240

(2) (a) If a court sentences an offender to any community 9241
control sanction or combination of community control sanctions 9242
authorized pursuant to section 2929.16, 2929.17, or 2929.18 of 9243
the Revised Code, the court shall place the offender under the 9244
general control and supervision of a department of probation in 9245
the county that serves the court for purposes of reporting to 9246
the court a violation of any condition of the sanctions, any 9247
condition of release under a community control sanction imposed 9248
by the court, a violation of law, or the departure of the 9249
offender from this state without the permission of the court or 9250
the offender's probation officer. Alternatively, if the offender 9251
resides in another county and a county department of probation 9252
has been established in that county or that county is served by 9253
a multicounty probation department established under section 9254
2301.27 of the Revised Code, the court may request the court of 9255
common pleas of that county to receive the offender into the 9256
general control and supervision of that county or multicounty 9257
department of probation for purposes of reporting to the court a 9258
violation of any condition of the sanctions, any condition of 9259
release under a community control sanction imposed by the court, 9260
a violation of law, or the departure of the offender from this 9261
state without the permission of the court or the offender's 9262
probation officer, subject to the jurisdiction of the trial 9263
judge over and with respect to the person of the offender, and 9264
to the rules governing that department of probation. 9265

If there is no department of probation in the county that 9266
serves the court, the court shall place the offender, regardless 9267
of the offender's county of residence, under the general control 9268
and supervision of the adult parole authority or an entity 9269

authorized under division (B) of section 2301.27 of the Revised 9270
Code to provide probation and supervisory services to counties 9271
for purposes of reporting to the court a violation of any of the 9272
sanctions, any condition of release under a community control 9273
sanction imposed by the court, a violation of law, or the 9274
departure of the offender from this state without the permission 9275
of the court or the offender's probation officer. 9276

(b) If the court imposing sentence upon an offender 9277
sentences the offender to any community control sanction or 9278
combination of community control sanctions authorized pursuant 9279
to section 2929.16, 2929.17, or 2929.18 of the Revised Code, and 9280
if the offender violates any condition of the sanctions, any 9281
condition of release under a community control sanction imposed 9282
by the court, violates any law, or departs the state without the 9283
permission of the court or the offender's probation officer, the 9284
public or private person or entity that operates or administers 9285
the sanction or the program or activity that comprises the 9286
sanction shall report the violation or departure directly to the 9287
sentencing court, or shall report the violation or departure to 9288
the county or multicounty department of probation with general 9289
control and supervision over the offender under division (A)(2) 9290
(a) of this section or the officer of that department who 9291
supervises the offender, or, if there is no such department with 9292
general control and supervision over the offender under that 9293
division, to the adult parole authority or an entity authorized 9294
under division (B) of section 2301.27 of the Revised Code to 9295
provide probation and supervisory services to the county. If the 9296
public or private person or entity that operates or administers 9297
the sanction or the program or activity that comprises the 9298
sanction reports the violation or departure to the county or 9299
multicounty department of probation, the adult parole authority, 9300

or any other entity providing probation and supervisory services 9301
to the county, the department's, authority's, or other entity's 9302
officers may treat the offender as if the offender were on 9303
probation and in violation of the probation, and shall report 9304
the violation of the condition of the sanction, any condition of 9305
release under a community control sanction imposed by the court, 9306
the violation of law, or the departure from the state without 9307
the required permission to the sentencing court. 9308

(3) If an offender who is eligible for community control 9309
sanctions under this section admits to being drug addicted or 9310
the court has reason to believe that the offender is drug 9311
addicted, and if the offense for which the offender is being 9312
sentenced was related to the addiction, the court may require 9313
that the offender be assessed by a properly credentialed 9314
professional within a specified period of time and shall require 9315
the professional to file a written assessment of the offender 9316
with the court. If a court imposes treatment and recovery 9317
support services as a community control sanction, the court 9318
shall direct the level and type of treatment and recovery 9319
support services after consideration of the written assessment, 9320
if available at the time of sentencing, and recommendations of 9321
the professional and other treatment and recovery support 9322
services providers. 9323

(4) If an assessment completed pursuant to division (A) (3) 9324
of this section indicates that the offender is addicted to drugs 9325
or alcohol, the court may include in any community control 9326
sanction imposed for a violation of section 2925.02, 2925.021, 9327
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, ~~2925.11,~~ 2925.07, 9328
2925.08, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 9329
Revised Code a requirement that the offender participate in 9330
alcohol and drug addiction services and recovery supports 9331

certified under section 5119.36 of the Revised Code or offered 9332
by a properly credentialed community addiction services 9333
provider. 9334

(B) (1) If the conditions of a community control sanction 9335
are violated or if the offender violates a law or leaves the 9336
state without the permission of the court or the offender's 9337
probation officer, the sentencing court may impose upon the 9338
violator one or more of the following penalties: 9339

(a) A longer time under the same sanction if the total 9340
time under the sanctions does not exceed the five-year limit 9341
specified in division (A) of this section; 9342

(b) A more restrictive sanction under section 2929.16, 9343
2929.17, or 2929.18 of the Revised Code, including but not 9344
limited to, a new term in a community-based correctional 9345
facility, halfway house, or jail pursuant to division (A) (6) of 9346
section 2929.16 of the Revised Code; 9347

(c) A prison term on the offender pursuant to section 9348
2929.14 of the Revised Code and division (B) (3) of this section, 9349
provided that a prison term imposed under this division is 9350
subject to the following limitations, as applicable: 9351

(i) If the prison term is imposed for any technical 9352
violation of the conditions of a community control sanction 9353
imposed for a felony of the fifth degree or for any violation of 9354
law committed while under a community control sanction imposed 9355
for such a felony that consists of a new criminal offense and 9356
that is not a felony, the prison term shall not exceed ninety 9357
days. 9358

(ii) If the prison term is imposed for any technical 9359
violation of the conditions of a community control sanction 9360

imposed for a felony of the fourth degree that is not an offense 9361
of violence and is not a sexually oriented offense or for any 9362
violation of law committed while under a community control 9363
sanction imposed for such a felony that consists of a new 9364
criminal offense and that is not a felony, the prison term shall 9365
not exceed one hundred eighty days. 9366

(2) If an offender was acting pursuant to division (B) (2) 9367
~~(b) (a)~~ of section ~~2925.11-2925.04~~ of the Revised Code and in so 9368
doing violated the conditions of a community control sanction 9369
based on a minor drug possession offense, as defined in section 9370
~~2925.11-2925.01~~ of the Revised Code, the sentencing court may 9371
consider the offender's conduct in seeking or obtaining medical 9372
assistance for another in good faith or for self or may consider 9373
the offender being the subject of another person seeking or 9374
obtaining medical assistance in accordance with that division as 9375
a mitigating factor before imposing any of the penalties 9376
described in division (B) (1) of this section. 9377

(3) The prison term, if any, imposed upon a violator 9378
pursuant to this division and division (B) (1) of this section 9379
shall be within the range of prison terms described in this 9380
division and shall not exceed the prison term specified in the 9381
notice provided to the offender at the sentencing hearing 9382
pursuant to division (B) (2) of section 2929.19 of the Revised 9383
Code. The court may reduce the longer period of time that the 9384
offender is required to spend under the longer sanction, the 9385
more restrictive sanction, or a prison term imposed pursuant to 9386
division (B) (1) of this section by the time the offender 9387
successfully spent under the sanction that was initially 9388
imposed. Except as otherwise specified in this division, the 9389
prison term imposed under this division and division (B) (1) of 9390
this section shall be within the range of prison terms available 9391

as a definite term for the offense for which the sanction that 9392
was violated was imposed. If the offense for which the sanction 9393
that was violated was imposed is a felony of the first or second 9394
degree committed on or after ~~the effective date of this~~ 9395
~~amendment~~ March 22, 2019, the prison term so imposed under this 9396
division shall be within the range of prison terms available as 9397
a minimum term for the offense under division (A) (1) (a) or (2) 9398
(a) of section 2929.14 of the Revised Code. 9399

(C) If an offender, for a significant period of time, 9400
fulfills the conditions of a sanction imposed pursuant to 9401
section 2929.16, 2929.17, or 2929.18 of the Revised Code in an 9402
exemplary manner, the court may reduce the period of time under 9403
the sanction or impose a less restrictive sanction, but the 9404
court shall not permit the offender to violate any law or permit 9405
the offender to leave the state without the permission of the 9406
court or the offender's probation officer. 9407

(D) (1) If a court under division (A) (1) of this section 9408
imposes a condition of release under a community control 9409
sanction that requires the offender to submit to random drug 9410
testing, the department of probation, the adult parole 9411
authority, or any other entity that has general control and 9412
supervision of the offender under division (A) (2) (a) of this 9413
section may cause the offender to submit to random drug testing 9414
performed by a laboratory or entity that has entered into a 9415
contract with any of the governmental entities or officers 9416
authorized to enter into a contract with that laboratory or 9417
entity under section 341.26, 753.33, or 5120.63 of the Revised 9418
Code. 9419

(2) If no laboratory or entity described in division (D) 9420
(1) of this section has entered into a contract as specified in 9421

that division, the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A) (2) (a) of this section shall cause the offender to submit to random drug testing performed by a reputable public laboratory to determine whether the individual who is the subject of the drug test ingested or was injected with a drug of abuse.

(3) A laboratory or entity that has entered into a contract pursuant to section 341.26, 753.33, or 5120.63 of the Revised Code shall perform the random drug tests under division (D) (1) of this section in accordance with the applicable standards that are included in the terms of that contract. A public laboratory shall perform the random drug tests under division (D) (2) of this section in accordance with the standards set forth in the policies and procedures established by the department of rehabilitation and correction pursuant to section 5120.63 of the Revised Code. An offender who is required under division (A) (1) of this section to submit to random drug testing as a condition of release under a community control sanction and whose test results indicate that the offender ingested or was injected with a drug of abuse shall pay the fee for the drug test if the department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender requires payment of a fee. A laboratory or entity that performs the random drug testing on an offender under division (D) (1) or (2) of this section shall transmit the results of the drug test to the appropriate department of probation, the adult parole authority, or any other entity that has general control and supervision of the offender under division (A) (2) (a) of this section.

Sec. 2929.18. (A) Except as otherwise provided in this

division and in addition to imposing court costs pursuant to 9453
section 2947.23 of the Revised Code, the court imposing a 9454
sentence upon an offender for a felony may sentence the offender 9455
to any financial sanction or combination of financial sanctions 9456
authorized under this section or, in the circumstances specified 9457
in section 2929.32 of the Revised Code, may impose upon the 9458
offender a fine in accordance with that section. Financial 9459
sanctions that may be imposed pursuant to this section include, 9460
but are not limited to, the following: 9461

(1) Restitution by the offender to the victim of the 9462
offender's crime or any survivor of the victim, in an amount 9463
based on the victim's economic loss. If the court imposes 9464
restitution, the court shall order that the restitution be made 9465
to the victim in open court, to the adult probation department 9466
that serves the county on behalf of the victim, to the clerk of 9467
courts, or to another agency designated by the court. If the 9468
court imposes restitution, at sentencing, the court shall 9469
determine the amount of restitution to be made by the offender. 9470
If the court imposes restitution, the court may base the amount 9471
of restitution it orders on an amount recommended by the victim, 9472
the offender, a presentence investigation report, estimates or 9473
receipts indicating the cost of repairing or replacing property, 9474
and other information, provided that the amount the court orders 9475
as restitution shall not exceed the amount of the economic loss 9476
suffered by the victim as a direct and proximate result of the 9477
commission of the offense. If the court decides to impose 9478
restitution, the court shall hold a hearing on restitution if 9479
the offender, victim, or survivor disputes the amount. All 9480
restitution payments shall be credited against any recovery of 9481
economic loss in a civil action brought by the victim or any 9482
survivor of the victim against the offender. 9483

If the court imposes restitution, the court may order that the offender pay a surcharge of not more than five per cent of the amount of the restitution otherwise ordered to the entity responsible for collecting and processing restitution payments.

The victim or survivor may request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate.

(2) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten

thousand dollars; 9513

(d) For a felony of the fourth degree, not more than five 9514
thousand dollars; 9515

(e) For a felony of the fifth degree, not more than two 9516
thousand five hundred dollars. 9517

(4) A state fine or costs as defined in section 2949.111 9518
of the Revised Code. 9519

(5) (a) Reimbursement by the offender of any or all of the 9520
costs of sanctions incurred by the government, including the 9521
following: 9522

(i) All or part of the costs of implementing any community 9523
control sanction, including a supervision fee under section 9524
2951.021 of the Revised Code; 9525

(ii) All or part of the costs of confinement under a 9526
sanction imposed pursuant to section 2929.14, 2929.142, or 9527
2929.16 of the Revised Code, provided that the amount of 9528
reimbursement ordered under this division shall not exceed the 9529
total amount of reimbursement the offender is able to pay as 9530
determined at a hearing and shall not exceed the actual cost of 9531
the confinement; 9532

(iii) All or part of the cost of purchasing and using an 9533
immobilizing or disabling device, including a certified ignition 9534
interlock device, or a remote alcohol monitoring device that a 9535
court orders an offender to use under section 4510.13 of the 9536
Revised Code. 9537

(b) If the offender is sentenced to a sanction of 9538
confinement pursuant to section 2929.14 or 2929.16 of the 9539
Revised Code that is to be served in a facility operated by a 9540

board of county commissioners, a legislative authority of a 9541
municipal corporation, or another local governmental entity, if, 9542
pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 9543
753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and 9544
section 2929.37 of the Revised Code, the board, legislative 9545
authority, or other local governmental entity requires prisoners 9546
to reimburse the county, municipal corporation, or other entity 9547
for its expenses incurred by reason of the prisoner's 9548
confinement, and if the court does not impose a financial 9549
sanction under division (A) (5) (a) (ii) of this section, 9550
confinement costs may be assessed pursuant to section 2929.37 of 9551
the Revised Code. In addition, the offender may be required to 9552
pay the fees specified in section 2929.38 of the Revised Code in 9553
accordance with that section. 9554

(c) Reimbursement by the offender for costs pursuant to 9555
section 2929.71 of the Revised Code. 9556

(B) (1) For a first, second, or third degree felony 9557
violation of any provision of Chapter 2925., 3719., or 4729. of 9558
the Revised Code, the sentencing court shall impose upon the 9559
offender a mandatory fine of at least one-half of, but not more 9560
than, the maximum statutory fine amount authorized for the level 9561
of the offense pursuant to division (A) (3) of this section. If 9562
an offender alleges in an affidavit filed with the court prior 9563
to sentencing that the offender is indigent and unable to pay 9564
the mandatory fine and if the court determines the offender is 9565
an indigent person and is unable to pay the mandatory fine 9566
described in this division, the court shall not impose the 9567
mandatory fine upon the offender. 9568

(2) Any mandatory fine imposed upon an offender under 9569
division (B) (1) of this section and any fine imposed upon an 9570

offender under division (A) (2) or (3) of this section for any 9571
fourth or fifth degree felony violation of any provision of 9572
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 9573
to law enforcement agencies pursuant to ~~division (F) of section~~ 9574
~~2925.03-2925.10~~ of the Revised Code. 9575

(3) For a fourth degree felony OVI offense and for a third 9576
degree felony OVI offense, the sentencing court shall impose 9577
upon the offender a mandatory fine in the amount specified in 9578
division (G) (1) (d) or (e) of section 4511.19 of the Revised 9579
Code, whichever is applicable. The mandatory fine so imposed 9580
shall be disbursed as provided in the division pursuant to which 9581
it is imposed. 9582

(4) Notwithstanding any fine otherwise authorized or 9583
required to be imposed under division (A) (2) or (3) or (B) (1) of 9584
this section or section 2929.31 of the Revised Code for a 9585
violation of section 2925.02, 2925.021, or 2925.03 of the 9586
Revised Code, in addition to any penalty or sanction imposed for 9587
that offense under ~~section 2925.03 or sections 2929.11 to~~ 9588
2929.18 of the Revised Code and in addition to the forfeiture of 9589
property in connection with the offense as prescribed in Chapter 9590
2981. of the Revised Code, the court that sentences an offender 9591
for a violation of section 2925.02, 2925.021, or 2925.03 of the 9592
Revised Code may impose upon the offender a fine in addition to 9593
any fine imposed under division (A) (2) or (3) of this section 9594
and in addition to any mandatory fine imposed under division (B) 9595
(1) of this section. The fine imposed under division (B) (4) of 9596
this section shall be used as provided in ~~division (H) of~~ 9597
section ~~2925.03-2925.10~~ of the Revised Code. A fine imposed 9598
under division (B) (4) of this section shall not exceed whichever 9599
of the following is applicable: 9600

(a) The total value of any personal or real property in 9601
which the offender has an interest and that was used in the 9602
course of, intended for use in the course of, derived from, or 9603
realized through conduct in violation of section 2925.02, 9604
2925.021, or 2925.03 of the Revised Code, including any property 9605
that constitutes proceeds derived from that offense; 9606

(b) If the offender has no interest in any property of the 9607
type described in division (B) (4) (a) of this section or if it is 9608
not possible to ascertain whether the offender has an interest 9609
in any property of that type in which the offender may have an 9610
interest, the amount of the mandatory fine for the offense 9611
imposed under division (B) (1) of this section or, if no 9612
mandatory fine is imposed under division (B) (1) of this section, 9613
the amount of the fine authorized for the level of the offense 9614
imposed under division (A) (3) of this section. 9615

(5) Prior to imposing a fine under division (B) (4) of this 9616
section, the court shall determine whether the offender has an 9617
interest in any property of the type described in division (B) 9618
(4) (a) of this section. Except as provided in division (B) (6) or 9619
(7) of this section, a fine that is authorized and imposed under 9620
division (B) (4) of this section does not limit or affect the 9621
imposition of the penalties and sanctions for a violation of 9622
section 2925.02, 2925.021, or 2925.03 of the Revised Code 9623
prescribed under those sections or sections 2929.11 to 2929.18 9624
of the Revised Code and does not limit or affect a forfeiture of 9625
property in connection with the offense as prescribed in Chapter 9626
2981. of the Revised Code. 9627

(6) If the sum total of a mandatory fine amount imposed 9628
for a first, second, or third degree felony violation of section 9629
2925.02, 2925.021, or 2925.03 of the Revised Code under division 9630

(B) (1) of this section plus the amount of any fine imposed under 9631
division (B) (4) of this section does not exceed the maximum 9632
statutory fine amount authorized for the level of the offense 9633
under division (A) (3) of this section or section 2929.31 of the 9634
Revised Code, the court may impose a fine for the offense in 9635
addition to the mandatory fine and the fine imposed under 9636
division (B) (4) of this section. The sum total of the amounts of 9637
the mandatory fine, the fine imposed under division (B) (4) of 9638
this section, and the additional fine imposed under division (B) 9639
(6) of this section shall not exceed the maximum statutory fine 9640
amount authorized for the level of the offense under division 9641
(A) (3) of this section or section 2929.31 of the Revised Code. 9642
The clerk of the court shall pay any fine that is imposed under 9643
division (B) (6) of this section to the county, township, 9644
municipal corporation, park district as created pursuant to 9645
section 511.18 or 1545.04 of the Revised Code, or state law 9646
enforcement agencies in this state that primarily were 9647
responsible for or involved in making the arrest of, and in 9648
prosecuting, the offender pursuant to division (F) of section 9649
2925.03 of the Revised Code. 9650

(7) If the sum total of the amount of a mandatory fine 9651
imposed for a first, second, or third degree felony violation of 9652
section 2925.02, 2925.021, or 2925.03 of the Revised Code plus 9653
the amount of any fine imposed under division (B) (4) of this 9654
section exceeds the maximum statutory fine amount authorized for 9655
the level of the offense under division (A) (3) of this section 9656
or section 2929.31 of the Revised Code, the court shall not 9657
impose a fine under division (B) (6) of this section. 9658

(8) (a) If an offender who is convicted of or pleads guilty 9659
to a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 9660
2923.32, division (A) (1) or (2) of section 2907.323 involving a 9661

minor, or division (B) (1), (2), (3), (4), or (5) of section 9662
2919.22 of the Revised Code also is convicted of or pleads 9663
guilty to a specification of the type described in section 9664
2941.1422 of the Revised Code that charges that the offender 9665
knowingly committed the offense in furtherance of human 9666
trafficking, the sentencing court shall sentence the offender to 9667
a financial sanction of restitution by the offender to the 9668
victim or any survivor of the victim, with the restitution 9669
including the costs of housing, counseling, and medical and 9670
legal assistance incurred by the victim as a direct result of 9671
the offense and the greater of the following: 9672

(i) The gross income or value to the offender of the 9673
victim's labor or services; 9674

(ii) The value of the victim's labor as guaranteed under 9675
the minimum wage and overtime provisions of the "Federal Fair 9676
Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and 9677
state labor laws. 9678

(b) If a court imposing sentence upon an offender for a 9679
felony is required to impose upon the offender a financial 9680
sanction of restitution under division (B) (8) (a) of this 9681
section, in addition to that financial sanction of restitution, 9682
the court may sentence the offender to any other financial 9683
sanction or combination of financial sanctions authorized under 9684
this section, including a restitution sanction under division 9685
(A) (1) of this section. 9686

(9) In addition to any other fine that is or may be 9687
imposed under this section, the court imposing sentence upon an 9688
offender for a felony that is a sexually oriented offense or a 9689
child-victim oriented offense, as those terms are defined in 9690
section 2950.01 of the Revised Code, may impose a fine of not 9691

less than fifty nor more than five hundred dollars. 9692

(10) For a felony violation of division (A) of section 9693
2921.321 of the Revised Code that results in the death of the 9694
police dog or horse that is the subject of the violation, the 9695
sentencing court shall impose upon the offender a mandatory fine 9696
from the range of fines provided under division (A) (3) of this 9697
section for a felony of the third degree. A mandatory fine 9698
imposed upon an offender under division (B) (10) of this section 9699
shall be paid to the law enforcement agency that was served by 9700
the police dog or horse that was killed in the felony violation 9701
of division (A) of section 2921.321 of the Revised Code to be 9702
used as provided in division (E) (1) (b) of that section. 9703

(11) In addition to any other fine that is or may be 9704
imposed under this section, the court imposing sentence upon an 9705
offender for any of the following offenses that is a felony may 9706
impose a fine of not less than seventy nor more than five 9707
hundred dollars, which shall be transmitted to the treasurer of 9708
state to be credited to the address confidentiality program fund 9709
created by section 111.48 of the Revised Code: 9710

(a) Domestic violence; 9711

(b) Menacing by stalking; 9712

(c) Rape; 9713

(d) Sexual battery; 9714

(e) Trafficking in persons; 9715

(f) A violation of section 2905.01, 2905.02, 2907.21, 9716
2907.22, or 2923.32, division (A) (1) or (2) of section 2907.323 9717
involving a minor, or division (B) (1), (2), (3), (4), or (5) of 9718
section 2919.22 of the Revised Code, if the offender also is 9719

convicted of a specification of the type described in section 9720
2941.1422 of the Revised Code that charges that the offender 9721
knowingly committed the offense in furtherance of human 9722
trafficking. 9723

(C) (1) Except as provided in section 2951.021 of the 9724
Revised Code, the offender shall pay reimbursements imposed upon 9725
the offender pursuant to division (A) (5) (a) of this section to 9726
pay the costs incurred by a county pursuant to any sanction 9727
imposed under this section or section 2929.16 or 2929.17 of the 9728
Revised Code or in operating a facility used to confine 9729
offenders pursuant to a sanction imposed under section 2929.16 9730
of the Revised Code to the county treasurer. The county 9731
treasurer shall deposit the reimbursements in the sanction cost 9732
reimbursement fund that each board of county commissioners shall 9733
create in its county treasury. The county shall use the amounts 9734
deposited in the fund to pay the costs incurred by the county 9735
pursuant to any sanction imposed under this section or section 9736
2929.16 or 2929.17 of the Revised Code or in operating a 9737
facility used to confine offenders pursuant to a sanction 9738
imposed under section 2929.16 of the Revised Code. 9739

(2) Except as provided in section 2951.021 of the Revised 9740
Code, the offender shall pay reimbursements imposed upon the 9741
offender pursuant to division (A) (5) (a) of this section to pay 9742
the costs incurred by a municipal corporation pursuant to any 9743
sanction imposed under this section or section 2929.16 or 9744
2929.17 of the Revised Code or in operating a facility used to 9745
confine offenders pursuant to a sanction imposed under section 9746
2929.16 of the Revised Code to the treasurer of the municipal 9747
corporation. The treasurer shall deposit the reimbursements in a 9748
special fund that shall be established in the treasury of each 9749
municipal corporation. The municipal corporation shall use the 9750

amounts deposited in the fund to pay the costs incurred by the 9751
municipal corporation pursuant to any sanction imposed under 9752
this section or section 2929.16 or 2929.17 of the Revised Code 9753
or in operating a facility used to confine offenders pursuant to 9754
a sanction imposed under section 2929.16 of the Revised Code. 9755

(3) Except as provided in section 2951.021 of the Revised 9756
Code, the offender shall pay reimbursements imposed pursuant to 9757
division (A) (5) (a) of this section for the costs incurred by a 9758
private provider pursuant to a sanction imposed under this 9759
section or section 2929.16 or 2929.17 of the Revised Code to the 9760
provider. 9761

(D) Except as otherwise provided in this division, a 9762
financial sanction imposed pursuant to division (A) or (B) of 9763
this section is a judgment in favor of the state or a political 9764
subdivision in which the court that imposed the financial 9765
sanction is located, and the offender subject to the financial 9766
sanction is the judgment debtor. A financial sanction of 9767
reimbursement imposed pursuant to division (A) (5) (a) (ii) of this 9768
section upon an offender who is incarcerated in a state facility 9769
or a municipal jail is a judgment in favor of the state or the 9770
municipal corporation, and the offender subject to the financial 9771
sanction is the judgment debtor. A financial sanction of 9772
reimbursement imposed upon an offender pursuant to this section 9773
for costs incurred by a private provider of sanctions is a 9774
judgment in favor of the private provider, and the offender 9775
subject to the financial sanction is the judgment debtor. A 9776
financial sanction of a mandatory fine imposed under division 9777
(B) (10) of this section that is required under that division to 9778
be paid to a law enforcement agency is a judgment in favor of 9779
the specified law enforcement agency, and the offender subject 9780
to the financial sanction is the judgment debtor. A financial 9781

sanction of restitution imposed pursuant to division (A) (1) or 9782
(B) (8) of this section is an order in favor of the victim of the 9783
offender's criminal act that can be collected through a 9784
certificate of judgment as described in division (D) (1) of this 9785
section, through execution as described in division (D) (2) of 9786
this section, or through an order as described in division (D) 9787
(3) of this section, and the offender shall be considered for 9788
purposes of the collection as the judgment debtor. Imposition of 9789
a financial sanction and execution on the judgment does not 9790
preclude any other power of the court to impose or enforce 9791
sanctions on the offender. Once the financial sanction is 9792
imposed as a judgment or order under this division, the victim, 9793
private provider, state, or political subdivision may do any of 9794
the following: 9795

(1) Obtain from the clerk of the court in which the 9796
judgment was entered a certificate of judgment that shall be in 9797
the same manner and form as a certificate of judgment issued in 9798
a civil action; 9799

(2) Obtain execution of the judgment or order through any 9800
available procedure, including: 9801

(a) An execution against the property of the judgment 9802
debtor under Chapter 2329. of the Revised Code; 9803

(b) An execution against the person of the judgment debtor 9804
under Chapter 2331. of the Revised Code; 9805

(c) A proceeding in aid of execution under Chapter 2333. 9806
of the Revised Code, including: 9807

(i) A proceeding for the examination of the judgment 9808
debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 9809
2333.27 of the Revised Code; 9810

(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	9811 9812
(iii) A creditor's suit under section 2333.01 of the Revised Code.	9813 9814
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	9815 9816
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	9817 9818
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	9819 9820
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	9821 9822 9823 9824
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code. Before entering into a contract for the collection of amounts due from an offender pursuant to any financial sanction imposed pursuant to this section or section 2929.32 of the Revised Code, a court shall comply with sections 307.86 to 307.92 of the Revised Code.	9825 9826 9827 9828 9829 9830 9831 9832 9833 9834 9835 9836 9837
(G) If a court that imposes a financial sanction under division (A) or (B) of this section finds that an offender	9838 9839

satisfactorily has completed all other sanctions imposed upon 9840
the offender and that all restitution that has been ordered has 9841
been paid as ordered, the court may suspend any financial 9842
sanctions imposed pursuant to this section or section 2929.32 of 9843
the Revised Code that have not been paid. 9844

(H) No financial sanction imposed under this section or 9845
section 2929.32 of the Revised Code shall preclude a victim from 9846
bringing a civil action against the offender. 9847

Sec. 2929.25. (A) (1) Except as provided in sections 9848
2929.22 and 2929.23 of the Revised Code or when a jail term is 9849
required by law, in sentencing an offender for a misdemeanor, 9850
other than a minor misdemeanor, the sentencing court may do 9851
either of the following: 9852

(a) Directly impose a sentence that consists of one or 9853
more community control sanctions authorized by section 2929.26, 9854
2929.27, or 2929.28 of the Revised Code. The court may impose 9855
any other conditions of release under a community control 9856
sanction that the court considers appropriate. If the court 9857
imposes a jail term upon the offender, the court may impose any 9858
community control sanction or combination of community control 9859
sanctions in addition to the jail term. 9860

(b) Impose a jail term under section 2929.24 of the 9861
Revised Code from the range of jail terms authorized under that 9862
section for the offense, suspend all or a portion of the jail 9863
term imposed, and place the offender under a community control 9864
sanction or combination of community control sanctions 9865
authorized under section 2929.26, 2929.27, or 2929.28 of the 9866
Revised Code. 9867

(2) The duration of all community control sanctions 9868

imposed upon an offender and in effect for an offender at any 9869
time shall not exceed five years. 9870

(3) At sentencing, if a court directly imposes a community 9871
control sanction or combination of community control sanctions 9872
pursuant to division (A)(1)(a) or (B) of this section, the court 9873
shall state the duration of the community control sanctions 9874
imposed and shall notify the offender that if any of the 9875
conditions of the community control sanctions are violated the 9876
court may do any of the following: 9877

(a) Impose a longer time under the same community control 9878
sanction if the total time under all of the offender's community 9879
control sanctions does not exceed the five-year limit specified 9880
in division (A)(2) of this section; 9881

(b) Impose a more restrictive community control sanction 9882
under section 2929.26, 2929.27, or 2929.28 of the Revised Code, 9883
but the court is not required to impose any particular sanction 9884
or sanctions; 9885

(c) Impose a definite jail term from the range of jail 9886
terms authorized for the offense under section 2929.24 of the 9887
Revised Code. 9888

(B) If a court sentences an offender to any community 9889
control sanction or combination of community control sanctions 9890
pursuant to division (A)(1)(a) of this section, the sentencing 9891
court retains jurisdiction over the offender and the period of 9892
community control for the duration of the period of community 9893
control. Upon the motion of either party or on the court's own 9894
motion, the court, in the court's sole discretion and as the 9895
circumstances warrant, may modify the community control 9896
sanctions or conditions of release previously imposed, 9897

substitute a community control sanction or condition of release 9898
for another community control sanction or condition of release 9899
previously imposed, or impose an additional community control 9900
sanction or condition of release. 9901

(C) (1) If a court sentences an offender to any community 9902
control sanction or combination of community control sanctions 9903
authorized under section 2929.26, 2929.27, or 2929.28 of the 9904
Revised Code, the court shall place the offender under the 9905
general control and supervision of the court or of a department 9906
of probation in the jurisdiction that serves the court for 9907
purposes of reporting to the court a violation of any of the 9908
conditions of the sanctions imposed. If the offender resides in 9909
another jurisdiction and a department of probation has been 9910
established to serve the municipal court or county court in that 9911
jurisdiction, the sentencing court may request the municipal 9912
court or the county court to receive the offender into the 9913
general control and supervision of that department of probation 9914
for purposes of reporting to the sentencing court a violation of 9915
any of the conditions of the sanctions imposed. The sentencing 9916
court retains jurisdiction over any offender whom it sentences 9917
for the duration of the sanction or sanctions imposed. 9918

(2) The sentencing court shall require as a condition of 9919
any community control sanction that the offender abide by the 9920
law and not leave the state without the permission of the court 9921
or the offender's probation officer. In the interests of doing 9922
justice, rehabilitating the offender, and ensuring the 9923
offender's good behavior, the court may impose additional 9924
requirements on the offender. The offender's compliance with the 9925
additional requirements also shall be a condition of the 9926
community control sanction imposed upon the offender. 9927

(D) (1) If the court imposing sentence upon an offender 9928
sentences the offender to any community control sanction or 9929
combination of community control sanctions authorized under 9930
section 2929.26, 2929.27, or 2929.28 of the Revised Code, and if 9931
the offender violates any of the conditions of the sanctions, 9932
the public or private person or entity that supervises or 9933
administers the program or activity that comprises the sanction 9934
shall report the violation directly to the sentencing court or 9935
to the department of probation or probation officer with general 9936
control and supervision over the offender. If the public or 9937
private person or entity reports the violation to the department 9938
of probation or probation officer, the department or officer 9939
shall report the violation to the sentencing court. 9940

(2) If an offender violates any condition of a community 9941
control sanction, the sentencing court may impose upon the 9942
violator one or more of the following penalties: 9943

(a) A longer time under the same community control 9944
sanction if the total time under all of the community control 9945
sanctions imposed on the violator does not exceed the five-year 9946
limit specified in division (A) (2) of this section; 9947

(b) A more restrictive community control sanction; 9948

(c) A combination of community control sanctions, 9949
including a jail term. 9950

(3) If an offender was acting pursuant to division (B) (2) 9951
~~(b)~~ (a) of section ~~2925.11~~ 2925.04 of the Revised Code and in so 9952
doing violated the conditions of a community control sanction 9953
based on a minor drug possession offense, as defined in section 9954
~~2925.11~~ 2925.01 of the Revised Code, the sentencing court may 9955
consider the offender's conduct in seeking or obtaining medical 9956

assistance for another in good faith or for self or may consider 9957
the offender being the subject of another person seeking or 9958
obtaining medical assistance in accordance with that division as 9959
a mitigating factor before imposing any of the penalties 9960
described in division (D)(2) of this section. 9961

(4) If the court imposes a jail term upon a violator 9962
pursuant to division (D)(2) of this section, the total time 9963
spent in jail for the misdemeanor offense and the violation of a 9964
condition of the community control sanction shall not exceed the 9965
maximum jail term available for the offense for which the 9966
sanction that was violated was imposed. The court may reduce the 9967
longer period of time that the violator is required to spend 9968
under the longer sanction or the more restrictive sanction 9969
imposed under division (D)(2) of this section by all or part of 9970
the time the violator successfully spent under the sanction that 9971
was initially imposed. 9972

(E) Except as otherwise provided in this division, if an 9973
offender, for a significant period of time, fulfills the 9974
conditions of a community control sanction imposed pursuant to 9975
section 2929.26, 2929.27, or 2929.28 of the Revised Code in an 9976
exemplary manner, the court may reduce the period of time under 9977
the community control sanction or impose a less restrictive 9978
community control sanction. Fulfilling the conditions of a 9979
community control sanction does not relieve the offender of a 9980
duty to make restitution under section 2929.28 of the Revised 9981
Code. 9982

Sec. 2929.34. (A) A person who is convicted of or pleads 9983
guilty to aggravated murder, murder, or an offense punishable by 9984
life imprisonment and who is sentenced to a term of life 9985
imprisonment or a prison term pursuant to that conviction shall 9986

serve that term in an institution under the control of the 9987
department of rehabilitation and correction. 9988

(B) (1) A person who is convicted of or pleads guilty to a 9989
felony other than aggravated murder, murder, or an offense 9990
punishable by life imprisonment and who is sentenced to a term 9991
of imprisonment or a prison term pursuant to that conviction 9992
shall serve that term as follows: 9993

(a) Subject to divisions (B) (1) (b), (B) (2), and (B) (3) of 9994
this section, in an institution under the control of the 9995
department of rehabilitation and correction if the term is a 9996
prison term or as otherwise determined by the sentencing court 9997
pursuant to section 2929.16 of the Revised Code if the term is 9998
not a prison term; 9999

(b) In a facility of a type described in division (G) (1) 10000
of section 2929.13 of the Revised Code, if the offender is 10001
sentenced pursuant to that division. 10002

(2) If the term is a prison term, the person may be 10003
imprisoned in a jail that is not a minimum security jail 10004
pursuant to agreement under section 5120.161 of the Revised Code 10005
between the department of rehabilitation and correction and the 10006
local authority that operates the jail. 10007

(3) (a) As used in divisions (B) (3) (a) to (d) of this 10008
section: 10009

(i) "Target county" means Franklin county, Cuyahoga 10010
county, Hamilton county, Summit county, Montgomery county, Lucas 10011
county, Butler county, Stark county, Lorain county, and Mahoning 10012
county. 10013

(ii) "Voluntary county" means any county in which the 10014
board of county commissioners of the county and the 10015

administrative judge of the general division of the court of 10016
common pleas of the county enter into an agreement of the type 10017
described in division (B) (3) (b) of this section and in which the 10018
agreement has not been terminated as described in that division. 10019

(b) In any county other than a target county, the board of 10020
county commissioners of the county and the administrative judge 10021
of the general division of the court of common pleas of the 10022
county may agree to having the county participate in the 10023
procedures regarding local and state confinement established 10024
under division (B) (3) (c) of this section. A board of county 10025
commissioners and an administrative judge of a court of common 10026
pleas that enter into an agreement of the type described in this 10027
division may terminate the agreement, but a termination under 10028
this division shall take effect only at the end of the state 10029
fiscal biennium in which the termination decision is made. 10030

(c) Except as provided in division (B) (3) (d) of this 10031
section, on and after July 1, 2018, no person sentenced by the 10032
court of common pleas of a target county or of a voluntary 10033
county to a prison term that is twelve months or less for a 10034
felony of the fifth degree shall serve the term in an 10035
institution under the control of the department of 10036
rehabilitation and correction. The person shall instead serve 10037
the sentence as a term of confinement in a facility of a type 10038
described in division (C) or (D) of this section. Nothing in 10039
this division relieves the state of its obligation to pay for 10040
the cost of confinement of the person in a community-based 10041
correctional facility under division (D) of this section. 10042

(d) Division (B) (3) (c) of this section does not apply to 10043
any person to whom any of the following apply: 10044

(i) The felony of the fifth degree was an offense of 10045

violence, as defined in section 2901.01 of the Revised Code, a 10046
sex offense under Chapter 2907. of the Revised Code, a violation 10047
of section 2925.02, 2925.021, or 2925.03 of the Revised Code, or 10048
any offense for which a mandatory prison term is required. 10049

(ii) The person previously has been convicted of or 10050
pleaded guilty to any felony offense of violence, as defined in 10051
section 2901.01 of the Revised Code, unless the felony of the 10052
fifth degree for which the person is being sentenced is a 10053
violation of division (I) (1) of section 2903.43 of the Revised 10054
Code. 10055

(iii) The person previously has been convicted of or 10056
pleaded guilty to any felony sex offense under Chapter 2907. of 10057
the Revised Code. 10058

(iv) The person's sentence is required to be served 10059
concurrently to any other sentence imposed upon the person for a 10060
felony that is required to be served in an institution under the 10061
control of the department of rehabilitation and correction. 10062

(C) A person who is convicted of or pleads guilty to one 10063
or more misdemeanors and who is sentenced to a jail term or term 10064
of imprisonment pursuant to the conviction or convictions shall 10065
serve that term in a county, multicounty, municipal, municipal- 10066
county, or multicounty-municipal jail or workhouse; in a 10067
community alternative sentencing center or district community 10068
alternative sentencing center when authorized by section 307.932 10069
of the Revised Code; or, if the misdemeanor or misdemeanors are 10070
not offenses of violence, in a minimum security jail. 10071

(D) Nothing in this section prohibits the commitment, 10072
referral, or sentencing of a person who is convicted of or 10073
pleads guilty to a felony to a community-based correctional 10074

facility. 10075

Sec. 2933.51. As used in sections 2933.51 to 2933.66 of 10076
the Revised Code: 10077

(A) "Wire communication" means an aural transfer that is 10078
made in whole or in part through the use of facilities for the 10079
transmission of communications by the aid of wires or similar 10080
methods of connecting the point of origin of the communication 10081
and the point of reception of the communication, including the 10082
use of a method of connecting the point of origin and the point 10083
of reception of the communication in a switching station, if the 10084
facilities are furnished or operated by a person engaged in 10085
providing or operating the facilities for the transmission of 10086
communications. "Wire communication" includes an electronic 10087
storage of a wire communication. 10088

(B) "Oral communication" means an oral communication 10089
uttered by a person exhibiting an expectation that the 10090
communication is not subject to interception under circumstances 10091
justifying that expectation. "Oral communication" does not 10092
include an electronic communication. 10093

(C) "Intercept" means the aural or other acquisition of 10094
the contents of any wire, oral, or electronic communication 10095
through the use of an interception device. 10096

(D) "Interception device" means an electronic, mechanical, 10097
or other device or apparatus that can be used to intercept a 10098
wire, oral, or electronic communication. "Interception device" 10099
does not mean any of the following: 10100

(1) A telephone or telegraph instrument, equipment, or 10101
facility, or any of its components, if the instrument, 10102
equipment, facility, or component is any of the following: 10103

(a) Furnished to the subscriber or user by a provider of wire or electronic communication service in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business;

(b) Furnished by a subscriber or user for connection to the facilities of a provider of wire or electronic communication service and used in the ordinary course of that subscriber's or user's business;

(c) Being used by a provider of wire or electronic communication service in the ordinary course of its business or by an investigative or law enforcement officer in the ordinary course of the officer's duties that do not involve the interception of wire, oral, or electronic communications.

(2) A hearing aid or similar device being used to correct subnormal hearing to not better than normal.

(E) "Investigative officer" means any of the following:

(1) An officer of this state or a political subdivision of this state, who is empowered by law to conduct investigations or to make arrests for a designated offense;

(2) A person described in divisions (A) (11) (a) and (b) of section 2901.01 of the Revised Code;

(3) An attorney authorized by law to prosecute or participate in the prosecution of a designated offense;

(4) A secret service officer appointed pursuant to section 309.07 of the Revised Code;

(5) An officer of the United States, a state, or a political subdivision of a state who is authorized to conduct investigations pursuant to the "Electronic Communications

Privacy Act of 1986," 100 Stat. 1848-1857, 18 U.S.C. 2510-2521 10132
(1986), as amended. 10133

(F) "Interception warrant" means a court order that 10134
authorizes the interception of wire, oral, or electronic 10135
communications and that is issued pursuant to sections 2933.53 10136
to 2933.56 of the Revised Code. 10137

(G) "Contents," when used with respect to a wire, oral, or 10138
electronic communication, includes any information concerning 10139
the substance, purport, or meaning of the communication. 10140

(H) "Communications common carrier" means a person who is 10141
engaged as a common carrier for hire in intrastate, interstate, 10142
or foreign communications by wire, radio, or radio transmission 10143
of energy. "Communications common carrier" does not include, to 10144
the extent that the person is engaged in radio broadcasting, a 10145
person engaged in radio broadcasting. 10146

(I) "Designated offense" means any of the following: 10147

(1) A felony violation of section 1315.53, 1315.55, 10148
2903.01, 2903.02, 2903.11, 2905.01, 2905.02, 2905.11, 2905.22, 10149
2905.32, 2907.02, 2907.21, 2907.22, 2909.02, 2909.03, 2909.04, 10150
2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 2909.29, 10151
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.04, 2913.42, 10152
2913.51, 2915.02, 2915.03, 2917.01, 2917.02, 2921.02, 2921.03, 10153
2921.04, 2921.32, 2921.34, 2923.20, 2923.32, 2925.02, 2925.021, 10154
2925.03, 2925.04, 2925.05, or 2925.06, 2925.07, or 2925.08 or of 10155
division (B) of section 2915.05 or of division (E) or (G) of 10156
section 3772.99 of the Revised Code; 10157

(2) A violation of section 2919.23 of the Revised Code 10158
that, had it occurred prior to July 1, 1996, would have been a 10159
violation of section 2905.04 of the Revised Code as it existed 10160

prior to that date; 10161

(3) A felony violation of section ~~2925.11~~2925.04 or 2925.041 of the Revised Code that is not a minor drug possession offense, as defined in section 2925.01 of the Revised Code; 10162
10163
10164

(4) Complicity in the commission of a felony violation of a section listed in division (I) (1), (2), or (3) of this section; 10165
10166
10167

(5) An attempt to commit, or conspiracy in the commission of, a felony violation of a section listed in division (I) (1), (2), or (3) of this section, if the attempt or conspiracy is punishable by a term of imprisonment of more than one year. 10168
10169
10170
10171

(J) "Aggrieved person" means a person who was a party to an intercepted wire, oral, or electronic communication or a person against whom the interception of the communication was directed. 10172
10173
10174
10175

(K) "Person" means a person, as defined in section 1.59 of the Revised Code, or a governmental officer, employee, or entity. 10176
10177
10178

(L) "Special need" means a showing that a licensed physician, licensed practicing psychologist, attorney, practicing cleric, journalist, or either spouse is personally engaging in continuing criminal activity, was engaged in continuing criminal activity over a period of time, or is committing, has committed, or is about to commit, a designated offense, or a showing that specified public facilities are being regularly used by someone who is personally engaging in continuing criminal activity, was engaged in continuing criminal activity over a period of time, or is committing, has committed, or is about to commit, a designated offense. 10179
10180
10181
10182
10183
10184
10185
10186
10187
10188
10189

(M) "Journalist" means a person engaged in, connected with, or employed by, any news media, including a newspaper, magazine, press association, news agency, or wire service, a radio or television station, or a similar media, for the purpose of gathering, processing, transmitting, compiling, editing, or disseminating news for the general public.

(N) "Electronic communication" means a transfer of a sign, signal, writing, image, sound, datum, or intelligence of any nature that is transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system. "Electronic communication" does not mean any of the following:

(1) A wire or oral communication;

(2) A communication made through a tone-only paging device;

(3) A communication from an electronic or mechanical tracking device that permits the tracking of the movement of a person or object.

(O) "User" means a person or entity that uses an electronic communication service and is duly authorized by the provider of the service to engage in the use of the electronic communication service.

(P) "Electronic communications system" means a wire, radio, electromagnetic, photoelectronic, or photo-optical facility for the transmission of electronic communications, and a computer facility or related electronic equipment for the electronic storage of electronic communications.

(Q) "Electronic communication service" means a service that provides to users of the service the ability to send or receive wire or electronic communications.

(R) "Readily accessible to the general public" means, with respect to a radio communication, that the communication is none of the following:

(1) Scrambled or encrypted;

(2) Transmitted using a modulation technique, the essential parameters of which have been withheld from the public with the intention of preserving the privacy of the communication;

(3) Carried on a subcarrier or other signal subsidiary to a radio transmission;

(4) Transmitted over a communications system provided by a communications common carrier, unless the communication is a tone-only paging system communication;

(5) Transmitted on a frequency allocated under part 25, subpart D, E, or F of part 74, or part 94 of the Rules of the Federal Communications Commission, as those provisions existed on July 1, 1996, unless, in the case of a communication transmitted on a frequency allocated under part 74 that is not exclusively allocated to broadcast auxiliary services, the communication is a two-way voice communication by radio.

(S) "Electronic storage" means a temporary, intermediate storage of a wire or electronic communication that is incidental to the electronic transmission of the communication, and a storage of a wire or electronic communication by an electronic communication service for the purpose of backup protection of the communication.

(T) "Aural transfer" means a transfer containing the human voice at a point between and including the point of origin and the point of reception.

(U) "Pen register" means a device that records or decodes 10248
electronic impulses that identify the numbers dialed, pulsed, or 10249
otherwise transmitted on telephone lines to which the device is 10250
attached. 10251

(V) "Trap and trace device" means a device that captures 10252
the incoming electronic or other impulses that identify the 10253
originating number of an instrument or device from which a wire 10254
communication or electronic communication was transmitted but 10255
that does not intercept the contents of the wire communication 10256
or electronic communication. 10257

(W) "Judge of a court of common pleas" means a judge of 10258
that court who is elected or appointed as a judge of general 10259
jurisdiction or as a judge who exercises both general 10260
jurisdiction and probate, domestic relations, or juvenile 10261
jurisdiction. "Judge of a court of common pleas" does not mean a 10262
judge of that court who is elected or appointed specifically as 10263
a probate, domestic relations, or juvenile judge. 10264

Sec. 2935.36. (A) The prosecuting attorney may establish 10265
pre-trial diversion programs for adults who are accused of 10266
committing criminal offenses and whom the prosecuting attorney 10267
believes probably will not offend again. The prosecuting 10268
attorney may require, as a condition of an accused's 10269
participation in the program, the accused to pay a reasonable 10270
fee for supervision services that include, but are not limited 10271
to, monitoring and drug testing. The programs shall be operated 10272
pursuant to written standards approved by journal entry by the 10273
presiding judge or, in courts with only one judge, the judge of 10274
the court of common pleas and shall not be applicable to any of 10275
the following: 10276

(1) Repeat offenders or dangerous offenders; 10277

(2) Persons accused of an offense of violence, of a violation of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a violation of section 2905.01, 2905.02, or 2919.23 of the Revised Code that, had it occurred prior to July 1, 1996, would have been a violation of section 2905.04 of the Revised Code as it existed prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following:

(a) The accused did not cause, threaten, or intend serious physical harm to any person;

(b) The offense was the result of circumstances not likely to recur;

(c) The accused has no history of prior delinquency or criminal activity;

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;

(e) Substantial grounds tending to excuse or justify the alleged offense.

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code, with the exception that the prosecuting attorney may permit persons accused of any of the following to enter a pre-trial diversion program:

(a) A misdemeanor, fifth degree felony, or fourth degree felony violation of section ~~2925.11~~ 2925.04 or 2925.041 of the Revised Code;

(b) A misdemeanor possessing drug abuse instruments 10306
violation of section ~~2925.12~~ 2925.14, a misdemeanor violation of 10307
section 2925.13, or a misdemeanor violation of division (C) (1) 10308
of section 2925.14 of the Revised Code. 10309

(4) Persons accused of a violation of section 4511.19 of 10310
the Revised Code or a violation of any substantially similar 10311
municipal ordinance; 10312

(5) (a) Persons who are accused of an offense while 10313
operating a commercial motor vehicle or persons who hold a 10314
commercial driver's license and are accused of any offense, if 10315
conviction of the offense would disqualify the person from 10316
operating a commercial motor vehicle under Chapter 4506. of the 10317
Revised Code or would subject the person to any other sanction 10318
under that chapter; 10319

(b) As used in division (A) (5) of this section, 10320
"commercial driver's license" and "commercial motor vehicle" 10321
have the same meanings as in section 4506.01 of the Revised 10322
Code. 10323

(B) An accused who enters a diversion program shall do all 10324
of the following: 10325

(1) Waive, in writing and contingent upon the accused's 10326
successful completion of the program, the accused's right to a 10327
speedy trial, the preliminary hearing, the time period within 10328
which the grand jury may consider an indictment against the 10329
accused, and arraignment, unless the hearing, indictment, or 10330
arraignment has already occurred; 10331

(2) Agree, in writing, to the tolling while in the program 10332
of all periods of limitation established by statutes or rules of 10333
court, that are applicable to the offense with which the accused 10334

is charged and to the conditions of the diversion program 10335
established by the prosecuting attorney; 10336

(3) Agree, in writing, to pay any reasonable fee for 10337
supervision services established by the prosecuting attorney. 10338

(C) The trial court, upon the application of the 10339
prosecuting attorney, shall order the release from confinement 10340
of any accused who has agreed to enter a pre-trial diversion 10341
program and shall discharge and release any existing bail and 10342
release any sureties on recognizances and shall release the 10343
accused on a recognizance bond conditioned upon the accused's 10344
compliance with the terms of the diversion program. The 10345
prosecuting attorney shall notify every victim of the crime and 10346
the arresting officers of the prosecuting attorney's intent to 10347
permit the accused to enter a pre-trial diversion program. The 10348
victim of the crime and the arresting officers shall have the 10349
opportunity to file written objections with the prosecuting 10350
attorney prior to the commencement of the pre-trial diversion 10351
program. 10352

(D) If the accused satisfactorily completes the diversion 10353
program, the prosecuting attorney shall recommend to the trial 10354
court that the charges against the accused be dismissed, and the 10355
court, upon the recommendation of the prosecuting attorney, 10356
shall dismiss the charges. If the accused chooses not to enter 10357
the prosecuting attorney's diversion program, or if the accused 10358
violates the conditions of the agreement pursuant to which the 10359
accused has been released, the accused may be brought to trial 10360
upon the charges in the manner provided by law, and the waiver 10361
executed pursuant to division (B) (1) of this section shall be 10362
void on the date the accused is removed from the program for the 10363
violation. 10364

- (E) As used in this section: 10365
- (1) "Repeat offender" means a person who has a history of 10366
persistent criminal activity and whose character and condition 10367
reveal a substantial risk that the person will commit another 10368
offense. It is prima-facie evidence that a person is a repeat 10369
offender if any of the following applies: 10370
- (a) Having been convicted of one or more offenses of 10371
violence and having been imprisoned pursuant to sentence for any 10372
such offense, the person commits a subsequent offense of 10373
violence; 10374
- (b) Having been convicted of one or more sexually oriented 10375
offenses or child-victim oriented offenses, both as defined in 10376
section 2950.01 of the Revised Code, and having been imprisoned 10377
pursuant to sentence for one or more of those offenses, the 10378
person commits a subsequent sexually oriented offense or child- 10379
victim oriented offense; 10380
- (c) Having been convicted of one or more theft offenses as 10381
defined in section 2913.01 of the Revised Code and having been 10382
imprisoned pursuant to sentence for one or more of those theft 10383
offenses, the person commits a subsequent theft offense; 10384
- (d) Having been convicted of one or more felony drug abuse 10385
offenses as defined in section 2925.01 of the Revised Code and 10386
having been imprisoned pursuant to sentence for one or more of 10387
those felony drug abuse offenses, the person commits a 10388
subsequent felony drug abuse offense; 10389
- (e) Having been convicted of two or more felonies and 10390
having been imprisoned pursuant to sentence for one or more 10391
felonies, the person commits a subsequent offense; 10392
- (f) Having been convicted of three or more offenses of any 10393

type or degree other than traffic offenses, alcoholic 10394
intoxication offenses, or minor misdemeanors and having been 10395
imprisoned pursuant to sentence for any such offense, the person 10396
commits a subsequent offense. 10397

(2) "Dangerous offender" means a person who has committed 10398
an offense, whose history, character, and condition reveal a 10399
substantial risk that the person will be a danger to others, and 10400
whose conduct has been characterized by a pattern of repetitive, 10401
compulsive, or aggressive behavior with heedless indifference to 10402
the consequences. 10403

Sec. 2951.041. (A) (1) If an offender is charged with a 10404
criminal offense, including but not limited to a violation of 10405
section 2913.02, 2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 10406
of the Revised Code, and the court has reason to believe that 10407
drug or alcohol usage by the offender was a factor leading to 10408
the criminal offense with which the offender is charged or that, 10409
at the time of committing that offense, the offender had a 10410
mental illness, was a person with an intellectual disability, or 10411
was a victim of a violation of section 2905.32 or 2907.21 of the 10412
Revised Code and that the mental illness, status as a person 10413
with an intellectual disability, or fact that the offender was a 10414
victim of a violation of section 2905.32 or 2907.21 of the 10415
Revised Code was a factor leading to the offender's criminal 10416
behavior, the court may accept, prior to the entry of a guilty 10417
plea, the offender's request for intervention in lieu of 10418
conviction. The request shall include a statement from the 10419
offender as to whether the offender is alleging that drug or 10420
alcohol usage by the offender was a factor leading to the 10421
criminal offense with which the offender is charged or is 10422
alleging that, at the time of committing that offense, the 10423
offender had a mental illness, was a person with an intellectual 10424

disability, or was a victim of a violation of section 2905.32 or 10425
2907.21 of the Revised Code and that the mental illness, status 10426
as a person with an intellectual disability, or fact that the 10427
offender was a victim of a violation of section 2905.32 or 10428
2907.21 of the Revised Code was a factor leading to the criminal 10429
offense with which the offender is charged. The request also 10430
shall include a waiver of the defendant's right to a speedy 10431
trial, the preliminary hearing, the time period within which the 10432
grand jury may consider an indictment against the offender, and 10433
arraignment, unless the hearing, indictment, or arraignment has 10434
already occurred. The court may reject an offender's request 10435
without a hearing. If the court elects to consider an offender's 10436
request, the court shall conduct a hearing to determine whether 10437
the offender is eligible under this section for intervention in 10438
lieu of conviction and shall stay all criminal proceedings 10439
pending the outcome of the hearing. If the court schedules a 10440
hearing, the court shall order an assessment of the offender for 10441
the purpose of determining the offender's program eligibility 10442
for intervention in lieu of conviction and recommending an 10443
appropriate intervention plan. 10444

If the offender alleges that drug or alcohol usage by the 10445
offender was a factor leading to the criminal offense with which 10446
the offender is charged, the court may order that the offender 10447
be assessed by a community addiction services provider or a 10448
properly credentialed professional for the purpose of 10449
determining the offender's program eligibility for intervention 10450
in lieu of conviction and recommending an appropriate 10451
intervention plan. The community addiction services provider or 10452
the properly credentialed professional shall provide a written 10453
assessment of the offender to the court. 10454

(2) The victim notification provisions of division (C) of 10455

section 2930.06 of the Revised Code apply in relation to any 10456
hearing held under division (A)(1) of this section. 10457

(B) An offender is eligible for intervention in lieu of 10458
conviction if the court finds all of the following: 10459

(1) The offender previously has not been convicted of or 10460
pleaded guilty to any felony offense of violence. 10461

(2) The offense is not a felony of the first, second, or 10462
third degree, is not an offense of violence, is not a violation 10463
of division (A)(1) or (2) of section 2903.06 of the Revised 10464
Code, is not a violation of division (A)(1) of section 2903.08 10465
of the Revised Code, is not a violation of division (A) of 10466
section 4511.19 of the Revised Code or a municipal ordinance 10467
that is substantially similar to that division, and is not an 10468
offense for which a sentencing court is required to impose a 10469
mandatory prison term. 10470

(3) The offender is not charged with a violation of 10471
section ~~2925.02, 2925.04, 2925.05,~~ or 2925.06 of the Revised 10472
Code, is not charged with a violation of section 2925.02, 10473
2925.021, or 2925.03 of the Revised Code that is a felony of the 10474
first, second, third, or fourth degree, and is not charged with 10475
a violation of section ~~2925.11-2925.04 or 2925.041~~ of the 10476
Revised Code that is a felony of the first or second degree. 10477

(4) If an offender alleges that drug or alcohol usage by 10478
the offender was a factor leading to the criminal offense with 10479
which the offender is charged, the court has ordered that the 10480
offender be assessed by a community addiction services provider 10481
or a properly credentialed professional for the purpose of 10482
determining the offender's program eligibility for intervention 10483
in lieu of conviction and recommending an appropriate 10484

intervention plan, the offender has been assessed by a community 10485
addiction services provider of that nature or a properly 10486
credentialed professional in accordance with the court's order, 10487
and the community addiction services provider or properly 10488
credentialed professional has filed the written assessment of 10489
the offender with the court. 10490

(5) If an offender alleges that, at the time of committing 10491
the criminal offense with which the offender is charged, the 10492
offender had a mental illness, was a person with an intellectual 10493
disability, or was a victim of a violation of section 2905.32 or 10494
2907.21 of the Revised Code and that the mental illness, status 10495
as a person with an intellectual disability, or fact that the 10496
offender was a victim of a violation of section 2905.32 or 10497
2907.21 of the Revised Code was a factor leading to that 10498
offense, the offender has been assessed by a psychiatrist, 10499
psychologist, independent social worker, licensed professional 10500
clinical counselor, or independent marriage and family therapist 10501
for the purpose of determining the offender's program 10502
eligibility for intervention in lieu of conviction and 10503
recommending an appropriate intervention plan. 10504

(6) The offender's drug usage, alcohol usage, mental 10505
illness, or intellectual disability, or the fact that the 10506
offender was a victim of a violation of section 2905.32 or 10507
2907.21 of the Revised Code, whichever is applicable, was a 10508
factor leading to the criminal offense with which the offender 10509
is charged, intervention in lieu of conviction would not demean 10510
the seriousness of the offense, and intervention would 10511
substantially reduce the likelihood of any future criminal 10512
activity. 10513

(7) The alleged victim of the offense was not sixty-five 10514

years of age or older, permanently and totally disabled, under 10515
thirteen years of age, or a peace officer engaged in the 10516
officer's official duties at the time of the alleged offense. 10517

(8) If the offender is charged with a violation of section 10518
2925.24 of the Revised Code, the alleged violation did not 10519
result in physical harm to any person. 10520

(9) The offender is willing to comply with all terms and 10521
conditions imposed by the court pursuant to division (D) of this 10522
section. 10523

(10) The offender is not charged with an offense that 10524
would result in the offender being disqualified under Chapter 10525
4506. of the Revised Code from operating a commercial motor 10526
vehicle or would subject the offender to any other sanction 10527
under that chapter. 10528

(C) At the conclusion of a hearing held pursuant to 10529
division (A) of this section, the court shall enter its 10530
determination as to whether the offender will be granted 10531
intervention in lieu of conviction. If the court finds under 10532
this division and division (B) of this section that the offender 10533
is eligible for intervention in lieu of conviction and grants 10534
the offender's request, the court shall accept the offender's 10535
plea of guilty and waiver of the defendant's right to a speedy 10536
trial, the preliminary hearing, the time period within which the 10537
grand jury may consider an indictment against the offender, and 10538
arraignment, unless the hearing, indictment, or arraignment has 10539
already occurred. In addition, the court then may stay all 10540
criminal proceedings and order the offender to comply with all 10541
terms and conditions imposed by the court pursuant to division 10542
(D) of this section. If the court finds that the offender is not 10543
eligible or does not grant the offender's request, the criminal 10544

proceedings against the offender shall proceed as if the 10545
offender's request for intervention in lieu of conviction had 10546
not been made. 10547

(D) If the court grants an offender's request for 10548
intervention in lieu of conviction, the court shall place the 10549
offender under the general control and supervision of the county 10550
probation department, the adult parole authority, or another 10551
appropriate local probation or court services agency, if one 10552
exists, as if the offender was subject to a community control 10553
sanction imposed under section 2929.15, 2929.18, or 2929.25 of 10554
the Revised Code. The court shall establish an intervention plan 10555
for the offender. The terms and conditions of the intervention 10556
plan shall require the offender, for at least one year from the 10557
date on which the court grants the order of intervention in lieu 10558
of conviction, to abstain from the use of illegal drugs and 10559
alcohol, to participate in treatment and recovery support 10560
services, and to submit to regular random testing for drug and 10561
alcohol use and may include any other treatment terms and 10562
conditions, or terms and conditions similar to community control 10563
sanctions, which may include community service or restitution, 10564
that are ordered by the court. 10565

(E) If the court grants an offender's request for 10566
intervention in lieu of conviction and the court finds that the 10567
offender has successfully completed the intervention plan for 10568
the offender, including the requirement that the offender 10569
abstain from using illegal drugs and alcohol for a period of at 10570
least one year from the date on which the court granted the 10571
order of intervention in lieu of conviction, the requirement 10572
that the offender participate in treatment and recovery support 10573
services, and all other terms and conditions ordered by the 10574
court, the court shall dismiss the proceedings against the 10575

offender. Successful completion of the intervention plan and 10576
period of abstinence under this section shall be without 10577
adjudication of guilt and is not a criminal conviction for 10578
purposes of any disqualification or disability imposed by law 10579
and upon conviction of a crime, and the court may order the 10580
sealing of records related to the offense in question in the 10581
manner provided in sections 2953.31 to 2953.36 of the Revised 10582
Code. 10583

(F) If the court grants an offender's request for 10584
intervention in lieu of conviction and the offender fails to 10585
comply with any term or condition imposed as part of the 10586
intervention plan for the offender, the supervising authority 10587
for the offender promptly shall advise the court of this 10588
failure, and the court shall hold a hearing to determine whether 10589
the offender failed to comply with any term or condition imposed 10590
as part of the plan. If the court determines that the offender 10591
has failed to comply with any of those terms and conditions, it 10592
may continue the offender on intervention in lieu of conviction, 10593
continue the offender on intervention in lieu of conviction with 10594
additional terms, conditions, and sanctions, or enter a finding 10595
of guilty and impose an appropriate sanction under Chapter 2929. 10596
of the Revised Code. If the court sentences the offender to a 10597
prison term, the court, after consulting with the department of 10598
rehabilitation and correction regarding the availability of 10599
services, may order continued court-supervised activity and 10600
treatment of the offender during the prison term and, upon 10601
consideration of reports received from the department concerning 10602
the offender's progress in the program of activity and 10603
treatment, may consider judicial release under section 2929.20 10604
of the Revised Code. 10605

(G) As used in this section: 10606

- (1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 10607
10608
- (2) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 10609
10610
- (3) "Intervention in lieu of conviction" means any court-supervised activity that complies with this section. 10611
10612
- (4) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code. 10613
10614
- (5) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 10615
10616
- (6) "Mental illness" and "psychiatrist" have the same meanings as in section 5122.01 of the Revised Code. 10617
10618
- (7) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 10619
10620
- Sec. 2967.18.** (A) Whenever the director of rehabilitation and correction determines that the total population of the state correctional institutions for males and females, the total population of the state correctional institutions for males, or the total population of the state correctional institutions for females exceeds the capacity of those institutions and that an overcrowding emergency exists, the director shall notify the correctional institution inspection committee of the emergency and provide the committee with information in support of the director's determination. The director shall not notify the committee that an overcrowding emergency exists unless the director determines that no other reasonable method is available to resolve the overcrowding emergency. 10621
10622
10623
10624
10625
10626
10627
10628
10629
10630
10631
10632
10633
- (B) On receipt of the notice given pursuant to division 10634

(A) of this section, the correctional institution inspection committee promptly shall review the determination of the director of rehabilitation and correction. Notwithstanding any other provision of the Revised Code or the Administrative Code that governs the lengths of criminal sentences, sets forth the time within which a prisoner is eligible for parole or within which a prisoner may apply for release, or regulates the procedure for granting parole or release to prisoners confined in state correctional institutions, the committee may recommend to the governor that the prison terms of eligible male, female, or all prisoners, as determined under division (E) of this section, be reduced by thirty, sixty, or ninety days, in the manner prescribed in that division.

(C) If the correctional institution inspection committee disagrees with the determination of the director of rehabilitation and correction that an overcrowding emergency exists, if the committee finds that an overcrowding emergency exists but does not make a recommendation pursuant to division (B) of this section, or if the committee does not make a finding or a recommendation pursuant to that division within thirty days of receipt of the notice given pursuant to division (A) of this section, the director may recommend to the governor that the action set forth in division (B) of this section be taken.

(D) Upon receipt of a recommendation from the correctional institution inspection committee or the director of rehabilitation and correction made pursuant to this section, the governor may declare in writing that an overcrowding emergency exists in all of the institutions within the control of the department in which men are confined, in which women are confined, or both. The declaration shall state that the adult parole authority shall take the action set forth in division (B)

of this section. After the governor makes the declaration, the 10666
director shall file a copy of it with the secretary of state, 10667
and the copy is a public record. 10668

The department may begin to implement the declaration of 10669
the governor made pursuant to this section on the date that it 10670
is filed with the secretary of state. The department shall begin 10671
to implement the declaration within thirty days after the date 10672
of filing. The declaration shall be implemented in accordance 10673
with division (E) of this section. 10674

(E) (1) No reduction of sentence pursuant to division (B) 10675
of this section shall be granted to any of the following: 10676

(a) A person who is serving a term of imprisonment for 10677
aggravated murder, murder, voluntary manslaughter, involuntary 10678
manslaughter, felonious assault, kidnapping, rape, aggravated 10679
arson, aggravated robbery, or any other offense punishable by 10680
life imprisonment or by an indefinite term of a specified number 10681
of years to life, or for conspiracy in, complicity in, or 10682
attempt to commit any of those offenses; 10683

(b) A person who is serving a term of imprisonment for any 10684
felony other than carrying a concealed weapon that was committed 10685
while the person had a firearm, as defined in section 2923.11 of 10686
the Revised Code, on or about the offender's person or under the 10687
offender's control; 10688

(c) A person who is serving a term of imprisonment for a 10689
violation of section 2925.02, 2925.021, or 2925.03 of the 10690
Revised Code; 10691

(d) A person who is serving a term of imprisonment for 10692
engaging in a pattern of corrupt activity; 10693

(e) A person who is serving a prison term or term of life 10694

imprisonment without parole imposed pursuant to section 2971.03 10695
of the Revised Code; 10696

(f) A person who was denied parole or release pursuant to 10697
section 2929.20 of the Revised Code during the term of 10698
imprisonment the person currently is serving. 10699

(2) A declaration of the governor that requires the adult 10700
parole authority to take the action set forth in division (B) of 10701
this section shall be implemented only by reducing the prison 10702
terms of prisoners who are not in any of the categories set 10703
forth in division (E)(1) of this section, and only by granting 10704
reductions of prison terms in the following order: 10705

(a) Under any such declaration, prison terms initially 10706
shall be reduced only for persons who are not in any of the 10707
categories set forth in division (E)(1) of this section and who 10708
are not serving a term of imprisonment for any of the following 10709
offenses: 10710

(i) An offense of violence that is a felony of the first, 10711
second, or third degree or that, under the law in existence 10712
prior to ~~the effective date of this amendment~~ July 1, 1996, was 10713
an aggravated felony of the first, second, or third degree or a 10714
felony of the first or second degree; 10715

(ii) An offense set forth in Chapter 2925. of the Revised 10716
Code that is a felony of the first or second degree. 10717

(b) If every person serving a term of imprisonment at the 10718
time of the implementation of any such declaration who is in the 10719
class of persons eligible for the initial reduction of prison 10720
terms, as described in division (E)(2)(a) of this section, has 10721
received a total of ninety days of term reduction for each three 10722
years of imprisonment actually served, then prison terms may be 10723

reduced for all other persons serving a term of imprisonment at 10724
that time who are not in any of the categories set forth in 10725
division (E) (1) of this section. 10726

(F) An offender who is released from a state correctional 10727
institution pursuant to this section is subject to post-release 10728
control sanctions imposed by the adult parole authority as if 10729
the offender was a prisoner described in division (B) of section 10730
2967.28 of the Revised Code who was being released from 10731
imprisonment. 10732

(G) If more than one overcrowding emergency is declared 10733
while a prisoner is serving a prison term, the total term 10734
reduction for that prisoner as the result of multiple 10735
declarations shall not exceed ninety days for each three years 10736
of imprisonment actually served. 10737

Sec. 2967.19. (A) As used in this section: 10738

(1) "Deadly weapon" and "dangerous ordnance" have the same 10739
meanings as in section 2923.11 of the Revised Code. 10740

(2) "Disqualifying prison term" means any of the 10741
following: 10742

(a) A prison term imposed for aggravated murder, murder, 10743
voluntary manslaughter, involuntary manslaughter, felonious 10744
assault, kidnapping, rape, aggravated arson, aggravated 10745
burglary, or aggravated robbery; 10746

(b) A prison term imposed for complicity in, an attempt to 10747
commit, or conspiracy to commit any offense listed in division 10748
(A) (2) (a) of this section; 10749

(c) A prison term of life imprisonment, including any term 10750
of life imprisonment that has parole eligibility; 10751

- (d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance; 10752
10753
10754
10755
- (e) A prison term imposed for any violation of section 2925.02, 2925.021, or 2925.03 of the Revised Code that is a felony of the first or second degree; 10756
10757
10758
- (f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code; 10759
10760
10761
- (g) A prison term imposed pursuant to section 2971.03 of the Revised Code; 10762
10763
- (h) A prison term imposed for any sexually oriented offense. 10764
10765
- (3) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term. 10766
10767
10768
- (4) "Restricting prison term" means any of the following: 10769
- (a) A mandatory prison term imposed under division (B) (1) (a), (B) (1) (c), (B) (1) (f), (B) (1) (g), (B) (2), or (B) (7) of section 2929.14 of the Revised Code for a specification of the type described in that division; 10770
10771
10772
10773
- (b) In the case of an offender who has been sentenced to a mandatory prison term for a specification of the type described in division (A) (4) (a) of this section, the prison term imposed for the felony offense for which the specification was stated at the end of the body of the indictment, count in the indictment, or information charging the offense; 10774
10775
10776
10777
10778
10779

(c) A prison term imposed for trafficking in persons;	10780
(d) A prison term imposed for any offense that is	10781
described in division (A) (4) (d) (i) of this section if division	10782
(A) (4) (d) (ii) of this section applies to the offender:	10783
(i) The offense is a felony of the first or second degree	10784
that is an offense of violence and that is not described in	10785
division (A) (2) (a) or (b) of this section, an attempt to commit	10786
a felony of the first or second degree that is an offense of	10787
violence and that is not described in division (A) (2) (a) or (b)	10788
of this section if the attempt is a felony of the first or	10789
second degree, or an offense under an existing or former law of	10790
this state, another state, or the United States that is or was	10791
substantially equivalent to any other offense described in this	10792
division.	10793
(ii) The offender previously was convicted of or pleaded	10794
guilty to any offense listed in division (A) (2) or (A) (4) (d) (i)	10795
of this section.	10796
(5) "Sexually oriented offense" has the same meaning as in	10797
section 2950.01 of the Revised Code.	10798
(6) "Stated prison term of one year or more" means a	10799
definite prison term of one year or more imposed as a stated	10800
prison term, or a minimum prison term of one year or more	10801
imposed as part of a stated prison term that is a non-life	10802
felony indefinite prison term.	10803
(B) The director of the department of rehabilitation and	10804
correction may recommend in writing to the sentencing court that	10805
the court consider releasing from prison any offender who, on or	10806
after September 30, 2011, is confined in a state correctional	10807
institution, who is serving a stated prison term of one year or	10808

more, and who is eligible under division (C) of this section for 10809
a release under this section. If the director wishes to 10810
recommend that the sentencing court consider releasing an 10811
offender under this section, the director shall notify the 10812
sentencing court in writing of the offender's eligibility not 10813
earlier than ninety days prior to the date on which the offender 10814
becomes eligible as described in division (C) of this section. 10815
The director's submission of the written notice constitutes a 10816
recommendation by the director that the court strongly consider 10817
release of the offender consistent with the purposes and 10818
principles of sentencing set forth in sections 2929.11 and 10819
2929.13 of the Revised Code. Only an offender recommended by the 10820
director under division (B) of this section may be considered 10821
for early release under this section. 10822

(C) (1) An offender serving a stated prison term of one 10823
year or more and who has commenced service of that stated prison 10824
term becomes eligible for release from prison under this section 10825
only as described in this division. An offender serving a stated 10826
prison term that includes a disqualifying prison term is not 10827
eligible for release from prison under this section. An offender 10828
serving a stated prison term that consists solely of one or more 10829
restricting prison terms is not eligible for release under this 10830
section. An offender serving a stated prison term of one year or 10831
more that includes one or more restricting prison terms and one 10832
or more eligible prison terms becomes eligible for release under 10833
this section after having fully served all restricting prison 10834
terms and having served eighty per cent of that stated prison 10835
term that remains to be served after all restricting prison 10836
terms have been fully served. An offender serving a stated 10837
prison term of one year or more that consists solely of one or 10838
more eligible prison terms becomes eligible for release under 10839

this section after having served eighty per cent of that stated 10840
prison term. For purposes of determining an offender's 10841
eligibility for release under this section, if the offender's 10842
stated prison term includes consecutive prison terms, any 10843
restricting prison terms shall be deemed served prior to any 10844
eligible prison terms that run consecutively to the restricting 10845
prison terms, and the eligible prison terms are deemed to 10846
commence after all of the restricting prison terms have been 10847
fully served. 10848

An offender serving a stated prison term of one year or 10849
more that includes a mandatory prison term that is not a 10850
disqualifying prison term and is not a restricting prison term 10851
is not automatically ineligible as a result of the offender's 10852
service of that mandatory term for release from prison under 10853
this section, and the offender's eligibility for release from 10854
prison under this section is determined in accordance with this 10855
division. 10856

(2) If an offender confined in a state correctional 10857
institution under a stated prison term is eligible for release 10858
under this section as described in division (C)(1) of this 10859
section, the director of the department of rehabilitation and 10860
correction may recommend in writing that the sentencing court 10861
consider releasing the offender from prison under this section 10862
by submitting to the sentencing court the written notice 10863
described in division (B) of this section. 10864

(D) The director shall include with any notice submitted 10865
to the sentencing court under division (B) of this section an 10866
institutional summary report that covers the offender's 10867
participation while confined in a state correctional institution 10868
in school, training, work, treatment, and other rehabilitative 10869

activities and any disciplinary action taken against the 10870
offender while so confined. The director shall include with the 10871
notice any other documentation requested by the court, if 10872
available. 10873

(E) (1) When the director submits a written notice to a 10874
sentencing court that an offender is eligible to be considered 10875
for early release under this section, the department promptly 10876
shall provide to the prosecuting attorney of the county in which 10877
the offender was indicted a copy of the written notice, a copy 10878
of the institutional summary report, and any other information 10879
provided to the court and shall provide a copy of the 10880
institutional summary report to any law enforcement agency that 10881
requests the report. The department also promptly shall do 10882
whichever of the following is applicable: 10883

(a) Subject to division (E) (1) (b) of this section, give 10884
written notice of the submission to any victim of the offender 10885
or victim's representative of any victim of the offender who is 10886
registered with the office of victim's services. 10887

(b) If the offense was aggravated murder, murder, an 10888
offense of violence that is a felony of the first, second, or 10889
third degree, or an offense punished by a sentence of life 10890
imprisonment, except as otherwise provided in this division, 10891
notify the victim or the victim's representative of the filing 10892
of the petition regardless of whether the victim or victim's 10893
representative has registered with the office of victim's 10894
services. The notice of the filing of the petition shall not be 10895
given under this division to a victim or victim's representative 10896
if the victim or victim's representative has requested pursuant 10897
to division (B) (2) of section 2930.03 of the Revised Code that 10898
the victim or the victim's representative not be provided the 10899

notice. If notice is to be provided to a victim or victim's representative under this division, the department may give the notice by any reasonable means, including regular mail, telephone, and electronic mail, in accordance with division (D) (1) of section 2930.16 of the Revised Code. If the notice is based on an offense committed prior to March 22, 2013, the notice also shall include the opt-out information described in division (D) (1) of section 2930.16 of the Revised Code. The department, in accordance with division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (E) (1) (b) of this section, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (A) (3) (b) of section 2967.26, division (D) (1) of section 2967.28, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which division (E) (2) of this section was enacted, shall be known as "Roberta's Law."

(2) When the director submits a petition under this section, the department also promptly shall post a copy of the written notice on the database it maintains under section 5120.66 of the Revised Code and include information on where a person may send comments regarding the recommendation of early release.

The information provided to the court, the prosecutor, and the victim or victim's representative under divisions (D) and (E) of this section shall include the name and contact information of a specific department of rehabilitation and correction employee who is available to answer questions about

the offender who is the subject of the written notice submitted 10930
by the director, including, but not limited to, the offender's 10931
institutional conduct and rehabilitative activities while 10932
incarcerated. 10933

(F) Upon receipt of a written notice submitted by the 10934
director under division (B) of this section, the court either 10935
shall, on its own motion, schedule a hearing to consider 10936
releasing the offender who is the subject of the notice or shall 10937
inform the department that it will not be conducting a hearing 10938
relative to the offender. The court shall not grant an early 10939
release to an offender without holding a hearing. If a court 10940
declines to hold a hearing relative to an offender with respect 10941
to a written notice submitted by the director, the court may 10942
later consider release of that offender under this section on 10943
its own motion by scheduling a hearing for that purpose. Within 10944
thirty days after the written notice is submitted, the court 10945
shall inform the department whether or not the court is 10946
scheduling a hearing on the offender who is the subject of the 10947
notice. 10948

(G) If the court schedules a hearing upon receiving a 10949
written notice submitted under division (B) of this section or 10950
upon its own motion under division (F) of this section, the 10951
court shall notify the head of the state correctional 10952
institution in which the offender is confined of the hearing 10953
prior to the hearing. If the court makes a journal entry 10954
ordering the offender to be conveyed to the hearing, except as 10955
otherwise provided in this division, the head of the 10956
correctional institution shall deliver the offender to the 10957
sheriff of the county in which the hearing is to be held, and 10958
the sheriff shall convey the offender to and from the hearing. 10959
Upon the court's own motion or the motion of the offender or the 10960

prosecuting attorney of the county in which the offender was 10961
indicted, the court may permit the offender to appear at the 10962
hearing by video conferencing equipment if equipment of that 10963
nature is available and compatible. 10964

Upon receipt of notice from a court of a hearing on the 10965
release of an offender under this division, the head of the 10966
state correctional institution in which the offender is confined 10967
immediately shall notify the appropriate person at the 10968
department of rehabilitation and correction of the hearing, and 10969
the department within twenty-four hours after receipt of the 10970
notice shall post on the database it maintains pursuant to 10971
section 5120.66 of the Revised Code the offender's name and all 10972
of the information specified in division (A)(1)(c)(i) of that 10973
section. If the court schedules a hearing under this section, 10974
the court promptly shall give notice of the hearing to the 10975
prosecuting attorney of the county in which the offender was 10976
indicted. Upon receipt of the notice from the court, the 10977
prosecuting attorney shall notify pursuant to section 2930.16 of 10978
the Revised Code any victim of the offender or the victim's 10979
representative of the hearing. 10980

(H) If the court schedules a hearing under this section, 10981
at the hearing, the court shall afford the offender and the 10982
offender's attorney an opportunity to present written 10983
information and, if present, oral information relevant to the 10984
offender's early release. The court shall afford a similar 10985
opportunity to the prosecuting attorney, victim or victim's 10986
representative, as defined in section 2930.01 of the Revised 10987
Code, and any other person the court determines is likely to 10988
present additional relevant information. If the court pursuant 10989
to division (G) of this section permits the offender to appear 10990
at the hearing by video conferencing equipment, the offender's 10991

opportunity to present oral information shall be as a part of 10992
the video conferencing. The court shall consider any statement 10993
of a victim made under section 2930.14 or 2930.17 of the Revised 10994
Code, any victim impact statement prepared under section 10995
2947.051 of the Revised Code, and any report and other 10996
documentation submitted by the director under division (D) of 10997
this section. After ruling on whether to grant the offender 10998
early release, the court shall notify the victim in accordance 10999
with sections 2930.03 and 2930.16 of the Revised Code. 11000

(I) If the court grants an offender early release under 11001
this section, it shall order the release of the offender, shall 11002
place the offender under one or more appropriate community 11003
control sanctions, under appropriate conditions, and under the 11004
supervision of the department of probation that serves the 11005
court, and shall reserve the right to reimpose the sentence that 11006
it reduced and from which the offender was released if the 11007
offender violates the sanction. The court shall not make a 11008
release under this section effective prior to the date on which 11009
the offender becomes eligible as described in division (C) of 11010
this section. If the sentence under which the offender is 11011
confined in a state correctional institution and from which the 11012
offender is being released was imposed for a felony of the first 11013
or second degree, the court shall consider ordering that the 11014
offender be monitored by means of a global positioning device. 11015
If the court reimposes the sentence that it reduced and from 11016
which the offender was released and if the violation of the 11017
sanction is a new offense, the court may order that the 11018
reimposed sentence be served either concurrently with, or 11019
consecutive to, any new sentence imposed upon the offender as a 11020
result of the violation that is a new offense. The period of all 11021
community control sanctions imposed under this division shall 11022

not exceed five years. The court, in its discretion, may reduce 11023
the period of community control sanctions by the amount of time 11024
the offender spent in jail or prison for the offense. 11025

If the court grants an offender early release under this 11026
section, it shall notify the appropriate person at the 11027
department of rehabilitation and correction of the release, and 11028
the department shall post notice of the release on the database 11029
it maintains pursuant to section 5120.66 of the Revised Code. 11030

(J) The department shall adopt under Chapter 119. of the 11031
Revised Code any rules necessary to implement this section. 11032

Sec. 2967.28. (A) As used in this section: 11033

(1) "Monitored time" means the monitored time sanction 11034
specified in section 2929.17 of the Revised Code. 11035

(2) "Deadly weapon" and "dangerous ordnance" have the same 11036
meanings as in section 2923.11 of the Revised Code. 11037

(3) "Felony sex offense" means a violation of a section 11038
contained in Chapter 2907. of the Revised Code that is a felony. 11039

(4) "Risk reduction sentence" means a prison term imposed 11040
by a court, when the court recommends pursuant to section 11041
2929.143 of the Revised Code that the offender serve the 11042
sentence under section 5120.036 of the Revised Code, and the 11043
offender may potentially be released from imprisonment prior to 11044
the expiration of the prison term if the offender successfully 11045
completes all assessment and treatment or programming required 11046
by the department of rehabilitation and correction under section 11047
5120.036 of the Revised Code. 11048

(5) "Victim's immediate family" has the same meaning as in 11049
section 2967.12 of the Revised Code. 11050

(6) "Minor drug possession offense" has the same meaning 11051
as in section ~~2925.11~~2925.01 of the Revised Code. 11052

(B) Each sentence to a prison term, other than a term of 11053
life imprisonment, for a felony of the first degree, for a 11054
felony of the second degree, for a felony sex offense, or for a 11055
felony of the third degree that is an offense of violence and is 11056
not a felony sex offense shall include a requirement that the 11057
offender be subject to a period of post-release control imposed 11058
by the parole board after the offender's release from 11059
imprisonment. This division applies with respect to all prison 11060
terms of a type described in this division, including a term of 11061
any such type that is a risk reduction sentence. If a court 11062
imposes a sentence including a prison term of a type described 11063
in this division on or after July 11, 2006, the failure of a 11064
sentencing court to notify the offender pursuant to division (B) 11065
(2) (d) of section 2929.19 of the Revised Code of this 11066
requirement or to include in the judgment of conviction entered 11067
on the journal a statement that the offender's sentence includes 11068
this requirement does not negate, limit, or otherwise affect the 11069
mandatory period of supervision that is required for the 11070
offender under this division. This division applies with respect 11071
to all prison terms of a type described in this division, 11072
including a non-life felony indefinite prison term. Section 11073
2929.191 of the Revised Code applies if, prior to July 11, 2006, 11074
a court imposed a sentence including a prison term of a type 11075
described in this division and failed to notify the offender 11076
pursuant to division (B) (2) (d) of section 2929.19 of the Revised 11077
Code regarding post-release control or to include in the 11078
judgment of conviction entered on the journal or in the sentence 11079
pursuant to division (D) (1) of section 2929.14 of the Revised 11080
Code a statement regarding post-release control. Unless reduced 11081

by the parole board pursuant to division (D) of this section 11082
when authorized under that division, a period of post-release 11083
control required by this division for an offender shall be of 11084
one of the following periods: 11085

(1) For a felony of the first degree or for a felony sex 11086
offense, five years; 11087

(2) For a felony of the second degree that is not a felony 11088
sex offense, three years; 11089

(3) For a felony of the third degree that is an offense of 11090
violence and is not a felony sex offense, three years. 11091

(C) Any sentence to a prison term for a felony of the 11092
third, fourth, or fifth degree that is not subject to division 11093
(B)(1) or (3) of this section shall include a requirement that 11094
the offender be subject to a period of post-release control of 11095
up to three years after the offender's release from 11096
imprisonment, if the parole board, in accordance with division 11097
(D) of this section, determines that a period of post-release 11098
control is necessary for that offender. This division applies 11099
with respect to all prison terms of a type described in this 11100
division, including a term of any such type that is a risk 11101
reduction sentence. Section 2929.191 of the Revised Code applies 11102
if, prior to July 11, 2006, a court imposed a sentence including 11103
a prison term of a type described in this division and failed to 11104
notify the offender pursuant to division (B)(2)(e) of section 11105
2929.19 of the Revised Code regarding post-release control or to 11106
include in the judgment of conviction entered on the journal or 11107
in the sentence pursuant to division (D)(2) of section 2929.14 11108
of the Revised Code a statement regarding post-release control. 11109
Pursuant to an agreement entered into under section 2967.29 of 11110
the Revised Code, a court of common pleas or parole board may 11111

impose sanctions or conditions on an offender who is placed on 11112
post-release control under this division. 11113

(D) (1) Before the prisoner is released from imprisonment, 11114
the parole board or, pursuant to an agreement under section 11115
2967.29 of the Revised Code, the court shall impose upon a 11116
prisoner described in division (B) of this section, shall impose 11117
upon a prisoner described in division (C) of this section who is 11118
to be released before the expiration of the prisoner's stated 11119
prison term under a risk reduction sentence, may impose upon a 11120
prisoner described in division (C) of this section who is not to 11121
be released before the expiration of the prisoner's stated 11122
prison term under a risk reduction sentence, and shall impose 11123
upon a prisoner described in division (B) (2) (b) of section 11124
5120.031 or in division (B) (1) of section 5120.032 of the 11125
Revised Code, one or more post-release control sanctions to 11126
apply during the prisoner's period of post-release control. 11127
Whenever the board or court imposes one or more post-release 11128
control sanctions upon a prisoner, the board or court, in 11129
addition to imposing the sanctions, also shall include as a 11130
condition of the post-release control that the offender not 11131
leave the state without permission of the court or the 11132
offender's parole or probation officer and that the offender 11133
abide by the law. The board or court may impose any other 11134
conditions of release under a post-release control sanction that 11135
the board or court considers appropriate, and the conditions of 11136
release may include any community residential sanction, 11137
community nonresidential sanction, or financial sanction that 11138
the sentencing court was authorized to impose pursuant to 11139
sections 2929.16, 2929.17, and 2929.18 of the Revised Code. 11140
Prior to the release of a prisoner for whom it will impose one 11141
or more post-release control sanctions under this division, the 11142

parole board or court shall review the prisoner's criminal 11143
history, results from the single validated risk assessment tool 11144
selected by the department of rehabilitation and correction 11145
under section 5120.114 of the Revised Code, all juvenile court 11146
adjudications finding the prisoner, while a juvenile, to be a 11147
delinquent child, and the record of the prisoner's conduct while 11148
imprisoned. The parole board or court shall consider any 11149
recommendation regarding post-release control sanctions for the 11150
prisoner made by the office of victims' services. After 11151
considering those materials, the board or court shall determine, 11152
for a prisoner described in division (B) of this section, 11153
division (B) (2) (b) of section 5120.031, or division (B) (1) of 11154
section 5120.032 of the Revised Code and for a prisoner 11155
described in division (C) of this section who is to be released 11156
before the expiration of the prisoner's stated prison term under 11157
a risk reduction sentence, which post-release control sanction 11158
or combination of post-release control sanctions is reasonable 11159
under the circumstances or, for a prisoner described in division 11160
(C) of this section who is not to be released before the 11161
expiration of the prisoner's stated prison term under a risk 11162
reduction sentence, whether a post-release control sanction is 11163
necessary and, if so, which post-release control sanction or 11164
combination of post-release control sanctions is reasonable 11165
under the circumstances. In the case of a prisoner convicted of 11166
a felony of the fourth or fifth degree other than a felony sex 11167
offense, the board or court shall presume that monitored time is 11168
the appropriate post-release control sanction unless the board 11169
or court determines that a more restrictive sanction is 11170
warranted. A post-release control sanction imposed under this 11171
division takes effect upon the prisoner's release from 11172
imprisonment. 11173

Regardless of whether the prisoner was sentenced to the 11174
prison term prior to, on, or after July 11, 2006, prior to the 11175
release of a prisoner for whom it will impose one or more post- 11176
release control sanctions under this division, the parole board 11177
shall notify the prisoner that, if the prisoner violates any 11178
sanction so imposed or any condition of post-release control 11179
described in division (B) of section 2967.131 of the Revised 11180
Code that is imposed on the prisoner, the parole board may 11181
impose a prison term of up to one-half of the stated prison term 11182
originally imposed upon the prisoner. 11183

At least thirty days before the prisoner is released from 11184
imprisonment under post-release control, except as otherwise 11185
provided in this paragraph, the department of rehabilitation and 11186
correction shall notify the victim and the victim's immediate 11187
family of the date on which the prisoner will be released, the 11188
period for which the prisoner will be under post-release control 11189
supervision, and the terms and conditions of the prisoner's 11190
post-release control regardless of whether the victim or 11191
victim's immediate family has requested the notification. The 11192
notice described in this paragraph shall not be given to a 11193
victim or victim's immediate family if the victim or the 11194
victim's immediate family has requested pursuant to division (B) 11195
(2) of section 2930.03 of the Revised Code that the notice not 11196
be provided to the victim or the victim's immediate family. At 11197
least thirty days before the prisoner is released from 11198
imprisonment and regardless of whether the victim or victim's 11199
immediate family has requested that the notice described in this 11200
paragraph be provided or not be provided to the victim or the 11201
victim's immediate family, the department also shall provide 11202
notice of that nature to the prosecuting attorney in the case 11203
and the law enforcement agency that arrested the prisoner if any 11204

officer of that agency was a victim of the offense. 11205

If the notice given under the preceding paragraph to the 11206
victim or the victim's immediate family is based on an offense 11207
committed prior to March 22, 2013, and if the department of 11208
rehabilitation and correction has not previously successfully 11209
provided any notice to the victim or the victim's immediate 11210
family under division (B), (C), or (D) of section 2930.16 of the 11211
Revised Code with respect to that offense and the offender who 11212
committed it, the notice also shall inform the victim or the 11213
victim's immediate family that the victim or the victim's 11214
immediate family may request that the victim or the victim's 11215
immediate family not be provided any further notices with 11216
respect to that offense and the offender who committed it and 11217
shall describe the procedure for making that request. The 11218
department may give the notices to which the preceding paragraph 11219
applies by any reasonable means, including regular mail, 11220
telephone, and electronic mail. If the department attempts to 11221
provide notice to any specified person under the preceding 11222
paragraph but the attempt is unsuccessful because the department 11223
is unable to locate the specified person, is unable to provide 11224
the notice by its chosen method because it cannot determine the 11225
mailing address, electronic mail address, or telephone number at 11226
which to provide the notice, or, if the notice is sent by mail, 11227
the notice is returned, the department shall make another 11228
attempt to provide the notice to the specified person. If the 11229
second attempt is unsuccessful, the department shall make at 11230
least one more attempt to provide the notice. If the notice is 11231
based on an offense committed prior to March 22, 2013, in each 11232
attempt to provide the notice to the victim or victim's 11233
immediate family, the notice shall include the opt-out 11234
information described in this paragraph. The department, in the 11235

manner described in division (D) (2) of section 2930.16 of the Revised Code, shall keep a record of all attempts to provide the notice, and of all notices provided, under this paragraph and the preceding paragraph. The record shall be considered as if it was kept under division (D) (2) of section 2930.16 of the Revised Code. This paragraph, the preceding paragraph, and the notice-related provisions of divisions (E) (2) and (K) of section 2929.20, division (D) (1) of section 2930.16, division (H) of section 2967.12, division (E) (1) (b) of section 2967.19, division (A) (3) (b) of section 2967.26, and division (A) (2) of section 5149.101 of the Revised Code enacted in the act in which this paragraph and the preceding paragraph were enacted, shall be known as "Roberta's Law."

(2) If a prisoner who is placed on post-release control under this section is released before the expiration of the definite term that is the prisoner's stated prison term or the expiration of the minimum term that is part of the prisoner's indefinite prison term imposed under a non-life felony indefinite prison term by reason of credit earned under section 2967.193 or a reduction under division (F) of section 2967.271 of the Revised Code and if the prisoner earned sixty or more days of credit, the adult parole authority shall supervise the offender with an active global positioning system device for the first fourteen days after the offender's release from imprisonment. This division does not prohibit or limit the imposition of any post-release control sanction otherwise authorized by this section.

(3) At any time after a prisoner is released from imprisonment and during the period of post-release control applicable to the releasee, the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised

Code, the court may review the releasee's behavior under the 11267
post-release control sanctions imposed upon the releasee under 11268
this section. The authority or court may determine, based upon 11269
the review and in accordance with the standards established 11270
under division (E) of this section, that a more restrictive or a 11271
less restrictive sanction is appropriate and may impose a 11272
different sanction. The authority also may recommend that the 11273
parole board or court increase or reduce the duration of the 11274
period of post-release control imposed by the court. If the 11275
authority recommends that the board or court increase the 11276
duration of post-release control, the board or court shall 11277
review the releasee's behavior and may increase the duration of 11278
the period of post-release control imposed by the court up to 11279
eight years. If the authority recommends that the board or court 11280
reduce the duration of control for an offense described in 11281
division (B) or (C) of this section, the board or court shall 11282
review the releasee's behavior and, subject to divisions (D) (3) 11283
(a) to (c) of this section, may reduce the duration of the 11284
period of control imposed by the court or, if the period of 11285
control was imposed for a non-life felony indefinite prison 11286
term, reduce the duration of or terminate the period of control 11287
imposed by the court. In no case shall the board or court do any 11288
of the following: 11289

(a) Reduce the duration of the period of control imposed 11290
for an offense described in division (B) (1) of this section to a 11291
period less than the length of the definite prison term included 11292
in the stated prison term originally imposed on the offender as 11293
part of the sentence or, with respect to a stated non-life 11294
felony indefinite prison term, to a period less than the length 11295
of the minimum prison term imposed as part of that stated prison 11296
term; 11297

(b) Consider any reduction or termination of the duration 11298
of the period of control imposed on a releasee prior to the 11299
expiration of one year after the commencement of the period of 11300
control, if the period of control was imposed for a non-life 11301
felony indefinite prison term and the releasee's minimum prison 11302
term or presumptive earned early release date under that term 11303
was extended for any length of time under division (C) or (D) of 11304
section 2967.271 of the Revised Code. 11305

(c) Permit the releasee to leave the state without 11306
permission of the court or the releasee's parole or probation 11307
officer. 11308

(4) The department of rehabilitation and correction shall 11309
develop factors that the parole board or court shall consider in 11310
determining under division (D) (3) of this section whether to 11311
terminate the period of control imposed on a releasee for a non- 11312
life felony indefinite prison term. 11313

(E) The department of rehabilitation and correction, in 11314
accordance with Chapter 119. of the Revised Code, shall adopt 11315
rules that do all of the following: 11316

(1) Establish standards for the imposition by the parole 11317
board of post-release control sanctions under this section that 11318
are consistent with the overriding purposes and sentencing 11319
principles set forth in section 2929.11 of the Revised Code and 11320
that are appropriate to the needs of releasees; 11321

(2) Establish standards that provide for a period of post- 11322
release control of up to three years for all prisoners described 11323
in division (C) of this section who are to be released before 11324
the expiration of their stated prison term under a risk 11325
reduction sentence and standards by which the parole board can 11326

determine which prisoners described in division (C) of this 11327
section who are not to be released before the expiration of 11328
their stated prison term under a risk reduction sentence should 11329
be placed under a period of post-release control; 11330

(3) Establish standards to be used by the parole board in 11331
reducing the duration of the period of post-release control 11332
imposed by the court when authorized under division (D) of this 11333
section, in imposing a more restrictive post-release control 11334
sanction than monitored time upon a prisoner convicted of a 11335
felony of the fourth or fifth degree other than a felony sex 11336
offense, or in imposing a less restrictive control sanction upon 11337
a releasee based on the releasee's activities including, but not 11338
limited to, remaining free from criminal activity and from the 11339
abuse of alcohol or other drugs, successfully participating in 11340
approved rehabilitation programs, maintaining employment, and 11341
paying restitution to the victim or meeting the terms of other 11342
financial sanctions; 11343

(4) Establish standards to be used by the adult parole 11344
authority in modifying a releasee's post-release control 11345
sanctions pursuant to division (D)(2) of this section; 11346

(5) Establish standards to be used by the adult parole 11347
authority or parole board in imposing further sanctions under 11348
division (F) of this section on releasees who violate post- 11349
release control sanctions, including standards that do the 11350
following: 11351

(a) Classify violations according to the degree of 11352
seriousness; 11353

(b) Define the circumstances under which formal action by 11354
the parole board is warranted; 11355

(c) Govern the use of evidence at violation hearings;	11356
(d) Ensure procedural due process to an alleged violator;	11357
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	11358 11359
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	11360 11361
(F) (1) Whenever the parole board imposes one or more post- release control sanctions upon an offender under this section, the offender upon release from imprisonment shall be under the general jurisdiction of the adult parole authority and generally shall be supervised by the field services section through its staff of parole and field officers as described in section 5149.04 of the Revised Code, as if the offender had been placed on parole. If the offender upon release from imprisonment violates the post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code that are imposed on the offender, the public or private person or entity that operates or administers the sanction or the program or activity that comprises the sanction shall report the violation directly to the adult parole authority or to the officer of the authority who supervises the offender. The authority's officers may treat the offender as if the offender were on parole and in violation of the parole, and otherwise shall comply with this section.	11362 11363 11364 11365 11366 11367 11368 11369 11370 11371 11372 11373 11374 11375 11376 11377 11378 11379
(2) If the adult parole authority or, pursuant to an agreement under section 2967.29 of the Revised Code, the court determines that a releasee has violated a post-release control sanction or any conditions described in division (A) of section 2967.131 of the Revised Code imposed upon the releasee and that	11380 11381 11382 11383 11384

a more restrictive sanction is appropriate, the authority or 11385
court may impose a more restrictive sanction upon the releasee, 11386
in accordance with the standards established under division (E) 11387
of this section or in accordance with the agreement made under 11388
section 2967.29 of the Revised Code, or may report the violation 11389
to the parole board for a hearing pursuant to division (F) (3) of 11390
this section. The authority or court may not, pursuant to this 11391
division, increase the duration of the releasee's post-release 11392
control or impose as a post-release control sanction a 11393
residential sanction that includes a prison term, but the 11394
authority or court may impose on the releasee any other 11395
residential sanction, nonresidential sanction, or financial 11396
sanction that the sentencing court was authorized to impose 11397
pursuant to sections 2929.16, 2929.17, and 2929.18 of the 11398
Revised Code. 11399

(3) The parole board or, pursuant to an agreement under 11400
section 2967.29 of the Revised Code, the court may hold a 11401
hearing on any alleged violation by a releasee of a post-release 11402
control sanction or any conditions described in division (A) of 11403
section 2967.131 of the Revised Code that are imposed upon the 11404
releasee. If after the hearing the board or court finds that the 11405
releasee violated the sanction or condition, the board or court 11406
may increase the duration of the releasee's post-release control 11407
up to the maximum duration authorized by division (B) or (C) of 11408
this section or impose a more restrictive post-release control 11409
sanction. If a releasee was acting pursuant to division (B) (2) 11410
~~(b)~~ (a) of section ~~2925.11~~ 2925.04 of the Revised Code and in so 11411
doing violated the conditions of a post-release control sanction 11412
based on a minor drug possession offense as defined in that 11413
section, the board or the court may consider the releasee's 11414
conduct in seeking or obtaining medical assistance for another 11415

in good faith or for self or may consider the releasee being the 11416
subject of another person seeking or obtaining medical 11417
assistance in accordance with that division as a mitigating 11418
factor before imposing any of the penalties described in this 11419
division. When appropriate, the board or court may impose as a 11420
post-release control sanction a residential sanction that 11421
includes a prison term. The board or court shall consider a 11422
prison term as a post-release control sanction imposed for a 11423
violation of post-release control when the violation involves a 11424
deadly weapon or dangerous ordnance, physical harm or attempted 11425
serious physical harm to a person, or sexual misconduct. Unless 11426
a releasee's stated prison term was reduced pursuant to section 11427
5120.032 of the Revised Code, the period of a prison term that 11428
is imposed as a post-release control sanction under this 11429
division shall not exceed nine months, and the maximum 11430
cumulative prison term for all violations under this division 11431
shall not exceed one-half of the definite prison term that was 11432
the stated prison term originally imposed upon the offender as 11433
part of this sentence or, with respect to a stated non-life 11434
felony indefinite prison term, one-half of the minimum prison 11435
term that was imposed as part of that stated prison term 11436
originally imposed upon the offender. If a releasee's stated 11437
prison term was reduced pursuant to section 5120.032 of the 11438
Revised Code, the period of a prison term that is imposed as a 11439
post-release control sanction under this division and the 11440
maximum cumulative prison term for all violations under this 11441
division shall not exceed the period of time not served in 11442
prison under the sentence imposed by the court. The period of a 11443
prison term that is imposed as a post-release control sanction 11444
under this division shall not count as, or be credited toward, 11445
the remaining period of post-release control. 11446

If an offender is imprisoned for a felony committed while 11447
under post-release control supervision and is again released on 11448
post-release control for a period of time determined by division 11449
(F) (4) (d) of this section, the maximum cumulative prison term 11450
for all violations under this division shall not exceed one-half 11451
of the total stated prison terms of the earlier felony, reduced 11452
by any prison term administratively imposed by the parole board 11453
or court, plus one-half of the total stated prison term of the 11454
new felony. 11455

(4) Any period of post-release control shall commence upon 11456
an offender's actual release from prison. If an offender is 11457
serving an indefinite prison term or a life sentence in addition 11458
to a stated prison term, the offender shall serve the period of 11459
post-release control in the following manner: 11460

(a) If a period of post-release control is imposed upon 11461
the offender and if the offender also is subject to a period of 11462
parole under a life sentence or an indefinite sentence, and if 11463
the period of post-release control ends prior to the period of 11464
parole, the offender shall be supervised on parole. The offender 11465
shall receive credit for post-release control supervision during 11466
the period of parole. The offender is not eligible for final 11467
release under section 2967.16 of the Revised Code until the 11468
post-release control period otherwise would have ended. 11469

(b) If a period of post-release control is imposed upon 11470
the offender and if the offender also is subject to a period of 11471
parole under an indefinite sentence, and if the period of parole 11472
ends prior to the period of post-release control, the offender 11473
shall be supervised on post-release control. The requirements of 11474
parole supervision shall be satisfied during the post-release 11475
control period. 11476

(c) If an offender is subject to more than one period of post-release control, the period of post-release control for all of the sentences shall be the period of post-release control that expires last, as determined by the parole board or court. Periods of post-release control shall be served concurrently and shall not be imposed consecutively to each other.

(d) The period of post-release control for a releasee who commits a felony while under post-release control for an earlier felony shall be the longer of the period of post-release control specified for the new felony under division (B) or (C) of this section or the time remaining under the period of post-release control imposed for the earlier felony as determined by the parole board or court.

Sec. 3301.32. (A) (1) The chief administrator of any head start agency shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the head start agency for employment as a person responsible for the care, custody, or control of a child. If the applicant does not present proof that the applicant has been a resident of this state for the five-year period immediately prior to the date upon which the criminal records check is requested or does not provide evidence that within that five-year period the superintendent has requested information about the applicant from the federal bureau of investigation in a criminal records check, the chief administrator shall request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal records check for the applicant. If the applicant presents proof that the applicant has been a resident of this state for that five-year period, the chief administrator may request that the superintendent include

information from the federal bureau of investigation in the 11508
criminal records check. 11509

(2) Any person required by division (A)(1) of this section 11510
to request a criminal records check shall provide to each 11511
applicant a copy of the form prescribed pursuant to division (C) 11512
(1) of section 109.572 of the Revised Code, provide to each 11513
applicant a standard impression sheet to obtain fingerprint 11514
impressions prescribed pursuant to division (C)(2) of section 11515
109.572 of the Revised Code, obtain the completed form and 11516
impression sheet from each applicant, and forward the completed 11517
form and impression sheet to the superintendent of the bureau of 11518
criminal identification and investigation at the time the chief 11519
administrator requests a criminal records check pursuant to 11520
division (A)(1) of this section. 11521

(3) Any applicant who receives pursuant to division (A)(2) 11522
of this section a copy of the form prescribed pursuant to 11523
division (C)(1) of section 109.572 of the Revised Code and a 11524
copy of an impression sheet prescribed pursuant to division (C) 11525
(2) of that section and who is requested to complete the form 11526
and provide a set of fingerprint impressions shall complete the 11527
form or provide all the information necessary to complete the 11528
form and shall provide the impression sheets with the 11529
impressions of the applicant's fingerprints. If an applicant, 11530
upon request, fails to provide the information necessary to 11531
complete the form or fails to provide impressions of the 11532
applicant's fingerprints, the head start agency shall not employ 11533
that applicant for any position for which a criminal records 11534
check is required by division (A)(1) of this section. 11535

(B)(1) Except as provided in rules adopted by the director 11536
of job and family services in accordance with division (E) of 11537

this section, no head start agency shall employ a person as a 11538
person responsible for the care, custody, or control of a child 11539
if the person previously has been convicted of or pleaded guilty 11540
to any of the following: 11541

(a) A violation of section 2903.01, 2903.02, 2903.03, 11542
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 11543
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 11544
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 11545
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 11546
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 11547
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 11548
~~2925.04~~, 2925.05, 2925.06, 2925.07, 2925.08, or 3716.11 of the 11549
Revised Code, a violation of section 2905.04 of the Revised Code 11550
as it existed prior to July 1, 1996, a violation of section 11551
2919.23 of the Revised Code that would have been a violation of 11552
section 2905.04 of the Revised Code as it existed prior to July 11553
1, 1996, had the violation occurred prior to that date, a 11554
violation of section ~~2925.11~~ 2925.04 or 2925.041 of the Revised 11555
Code that is not a minor drug possession offense, or felonious 11556
sexual penetration in violation of former section 2907.12 of the 11557
Revised Code; 11558

(b) A violation of an existing or former law of this 11559
state, any other state, or the United States that is 11560
substantially equivalent to any of the offenses or violations 11561
described in division (B) (1) (a) of this section. 11562

(2) A head start agency may employ an applicant 11563
conditionally until the criminal records check required by this 11564
section is completed and the agency receives the results of the 11565
criminal records check. If the results of the criminal records 11566
check indicate that, pursuant to division (B) (1) of this 11567

section, the applicant does not qualify for employment, the 11568
agency shall release the applicant from employment. 11569

(C) (1) Each head start agency shall pay to the bureau of 11570
criminal identification and investigation the fee prescribed 11571
pursuant to division (C) (3) of section 109.572 of the Revised 11572
Code for each criminal records check conducted in accordance 11573
with that section upon the request pursuant to division (A) (1) 11574
of this section of the chief administrator of the head start 11575
agency. 11576

(2) A head start agency may charge an applicant a fee for 11577
the costs it incurs in obtaining a criminal records check under 11578
this section. A fee charged under this division shall not exceed 11579
the amount of fees the agency pays under division (C) (1) of this 11580
section. If a fee is charged under this division, the agency 11581
shall notify the applicant at the time of the applicant's 11582
initial application for employment of the amount of the fee and 11583
that, unless the fee is paid, the head start agency will not 11584
consider the applicant for employment. 11585

(D) The report of any criminal records check conducted by 11586
the bureau of criminal identification and investigation in 11587
accordance with section 109.572 of the Revised Code and pursuant 11588
to a request made under division (A) (1) of this section is not a 11589
public record for the purposes of section 149.43 of the Revised 11590
Code and shall not be made available to any person other than 11591
the applicant who is the subject of the criminal records check 11592
or the applicant's representative, the head start agency 11593
requesting the criminal records check or its representative, and 11594
any court, hearing officer, or other necessary individual 11595
involved in a case dealing with the denial of employment to the 11596
applicant. 11597

(E) The director of job and family services shall adopt 11598
rules pursuant to Chapter 119. of the Revised Code to implement 11599
this section, including rules specifying circumstances under 11600
which a head start agency may hire a person who has been 11601
convicted of an offense listed in division (B)(1) of this 11602
section but who meets standards in regard to rehabilitation set 11603
by the director. 11604

(F) Any person required by division (A)(1) of this section 11605
to request a criminal records check shall inform each person, at 11606
the time of the person's initial application for employment, 11607
that the person is required to provide a set of impressions of 11608
the person's fingerprints and that a criminal records check is 11609
required to be conducted and satisfactorily completed in 11610
accordance with section 109.572 of the Revised Code if the 11611
person comes under final consideration for appointment or 11612
employment as a precondition to employment for that position. 11613

(G) As used in this section: 11614

(1) "Applicant" means a person who is under final 11615
consideration for appointment or employment in a position with a 11616
head start agency as a person responsible for the care, custody, 11617
or control of a child. 11618

(2) "Head start agency" means an entity in this state that 11619
has been approved to be an agency for purposes of the "Head 11620
Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended. 11621

(3) "Criminal records check" has the same meaning as in 11622
section 109.572 of the Revised Code. 11623

(4) "Minor drug possession offense" has the same meaning 11624
as in section 2925.01 of the Revised Code. 11625

Sec. 3301.541. (A)(1) The director, head teacher, 11626

elementary principal, or site administrator of a preschool 11627
program shall request the superintendent of the bureau of 11628
criminal identification and investigation to conduct a criminal 11629
records check with respect to any applicant who has applied to 11630
the preschool program for employment as a person responsible for 11631
the care, custody, or control of a child. If the applicant does 11632
not present proof that the applicant has been a resident of this 11633
state for the five-year period immediately prior to the date 11634
upon which the criminal records check is requested or does not 11635
provide evidence that within that five-year period the 11636
superintendent has requested information about the applicant 11637
from the federal bureau of investigation in a criminal records 11638
check, the director, head teacher, or elementary principal shall 11639
request that the superintendent obtain information from the 11640
federal bureau of investigation as a part of the criminal 11641
records check for the applicant. If the applicant presents proof 11642
that the applicant has been a resident of this state for that 11643
five-year period, the director, head teacher, or elementary 11644
principal may request that the superintendent include 11645
information from the federal bureau of investigation in the 11646
criminal records check. 11647

(2) Any director, head teacher, elementary principal, or 11648
site administrator required by division (A) (1) of this section 11649
to request a criminal records check shall provide to each 11650
applicant a copy of the form prescribed pursuant to division (C) 11651
(1) of section 109.572 of the Revised Code, provide to each 11652
applicant a standard impression sheet to obtain fingerprint 11653
impressions prescribed pursuant to division (C) (2) of section 11654
109.572 of the Revised Code, obtain the completed form and 11655
impression sheet from each applicant, and forward the completed 11656
form and impression sheet to the superintendent of the bureau of 11657

criminal identification and investigation at the time the person 11658
requests a criminal records check pursuant to division (A) (1) of 11659
this section. 11660

(3) Any applicant who receives pursuant to division (A) (2) 11661
of this section a copy of the form prescribed pursuant to 11662
division (C) (1) of section 109.572 of the Revised Code and a 11663
copy of an impression sheet prescribed pursuant to division (C) 11664
(2) of that section and who is requested to complete the form 11665
and provide a set of fingerprint impressions shall complete the 11666
form or provide all the information necessary to complete the 11667
form and provide the impression sheet with the impressions of 11668
the applicant's fingerprints. If an applicant, upon request, 11669
fails to provide the information necessary to complete the form 11670
or fails to provide impressions of the applicant's fingerprints, 11671
the preschool program shall not employ that applicant for any 11672
position for which a criminal records check is required by 11673
division (A) (1) of this section. 11674

(B) (1) Except as provided in rules adopted by the 11675
department of education in accordance with division (E) of this 11676
section, no preschool program shall employ a person as a person 11677
responsible for the care, custody, or control of a child if the 11678
person previously has been convicted of or pleaded guilty to any 11679
of the following: 11680

(a) A violation of section 2903.01, 2903.02, 2903.03, 11681
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 11682
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 11683
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 11684
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 11685
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 11686
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 11687

~~2925.04,~~ 2925.05, 2925.06, 2925.07, 2925.08, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation occurred prior to that date, a violation of section ~~2925.11~~ 2925.04 or 2925.041 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;

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

(2) A preschool program may employ an applicant conditionally until the criminal records check required by this section is completed and the preschool program receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the preschool program shall release the applicant from employment.

(C) (1) Each preschool program shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the director, head teacher, elementary principal, or site administrator of the preschool program.

(2) A preschool program may charge an applicant a fee for

the costs it incurs in obtaining a criminal records check under 11718
this section. A fee charged under this division shall not exceed 11719
the amount of fees the preschool program pays under division (C) 11720
(1) of this section. If a fee is charged under this division, 11721
the preschool program shall notify the applicant at the time of 11722
the applicant's initial application for employment of the amount 11723
of the fee and that, unless the fee is paid, the applicant will 11724
not be considered for employment. 11725

(D) The report of any criminal records check conducted by 11726
the bureau of criminal identification and investigation in 11727
accordance with section 109.572 of the Revised Code and pursuant 11728
to a request under division (A) (1) of this section is not a 11729
public record for the purposes of section 149.43 of the Revised 11730
Code and shall not be made available to any person other than 11731
the applicant who is the subject of the criminal records check 11732
or the applicant's representative, the preschool program 11733
requesting the criminal records check or its representative, and 11734
any court, hearing officer, or other necessary individual in a 11735
case dealing with the denial of employment to the applicant. 11736

(E) The department of education shall adopt rules pursuant 11737
to Chapter 119. of the Revised Code to implement this section, 11738
including rules specifying circumstances under which a preschool 11739
program may hire a person who has been convicted of an offense 11740
listed in division (B) (1) of this section but who meets 11741
standards in regard to rehabilitation set by the department. 11742

(F) Any person required by division (A) (1) of this section 11743
to request a criminal records check shall inform each person, at 11744
the time of the person's initial application for employment, 11745
that the person is required to provide a set of impressions of 11746
the person's fingerprints and that a criminal records check is 11747

required to be conducted and satisfactorily completed in 11748
accordance with section 109.572 of the Revised Code if the 11749
person comes under final consideration for appointment or 11750
employment as a precondition to employment for that position. 11751

(G) As used in this section: 11752

(1) "Applicant" means a person who is under final 11753
consideration for appointment or employment in a position with a 11754
preschool program as a person responsible for the care, custody, 11755
or control of a child, except that "applicant" does not include 11756
a person already employed by a board of education, community 11757
school, or chartered nonpublic school in a position of care, 11758
custody, or control of a child who is under consideration for a 11759
different position with such board or school. 11760

(2) "Criminal records check" has the same meaning as in 11761
section 109.572 of the Revised Code. 11762

(3) "Minor drug possession offense" has the same meaning 11763
as in section 2925.01 of the Revised Code. 11764

(H) If the board of education of a local school district 11765
adopts a resolution requesting the assistance of the educational 11766
service center in which the local district has territory in 11767
conducting criminal records checks of substitute teachers under 11768
this section, the appointing or hiring officer of such 11769
educational service center governing board shall serve for 11770
purposes of this section as the appointing or hiring officer of 11771
the local board in the case of hiring substitute teachers for 11772
employment in the local district. 11773

Sec. 3313.662. (A) The superintendent of public 11774
instruction, pursuant to this section and the adjudication 11775
procedures of section 3301.121 of the Revised Code, may issue an 11776

adjudication order that permanently excludes a pupil from 11777
attending any of the public schools of this state if the pupil 11778
is convicted of, or adjudicated a delinquent child for, 11779
committing, when the pupil was sixteen years of age or older, an 11780
act that would be a criminal offense if committed by an adult 11781
and if the act is any of the following: 11782

(1) A violation of section 2923.122 of the Revised Code; 11783

(2) A violation of section 2923.12 of the Revised Code, of 11784
a substantially similar municipal ordinance, or of section 11785
2925.02, 2925.021, or 2925.03 of the Revised Code that was 11786
committed on property owned or controlled by, or at an activity 11787
held under the auspices of, a board of education of a city, 11788
local, exempted village, or joint vocational school district; 11789

(3) A violation of section ~~2925.11~~2925.04 or 2925.041 of 11790
the Revised Code, other than a violation of that section that 11791
would be a minor drug possession offense, that was committed on 11792
property owned or controlled by, or at an activity held under 11793
the auspices of, the board of education of a city, local, 11794
exempted village, or joint vocational school district; 11795

(4) A violation of section 2903.01, 2903.02, 2903.03, 11796
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 11797
section 2907.12 of the Revised Code that was committed on 11798
property owned or controlled by, or at an activity held under 11799
the auspices of, a board of education of a city, local, exempted 11800
village, or joint vocational school district, if the victim at 11801
the time of the commission of the act was an employee of that 11802
board of education; 11803

(5) Complicity in any violation described in division (A) 11804
(1), (2), (3), or (4) of this section that was alleged to have 11805

been committed in the manner described in division (A) (1), (2), 11806
(3), or (4) of this section, regardless of whether the act of 11807
complicity was committed on property owned or controlled by, or 11808
at an activity held under the auspices of, a board of education 11809
of a city, local, exempted village, or joint vocational school 11810
district. 11811

(B) A pupil may be suspended or expelled in accordance 11812
with section 3313.66 of the Revised Code prior to being 11813
permanently excluded from public school attendance under this 11814
section and section 3301.121 of the Revised Code. 11815

(C) (1) If the superintendent of a city, local, exempted 11816
village, or joint vocational school district in which a pupil 11817
attends school obtains or receives proof that the pupil has been 11818
convicted of committing when the pupil was sixteen years of age 11819
or older a violation listed in division (A) of this section or 11820
adjudicated a delinquent child for the commission when the pupil 11821
was sixteen years of age or older of a violation listed in 11822
division (A) of this section, the superintendent may issue to 11823
the board of education of the school district a request that the 11824
pupil be permanently excluded from public school attendance, if 11825
both of the following apply: 11826

(a) After obtaining or receiving proof of the conviction 11827
or adjudication, the superintendent or the superintendent's 11828
designee determines that the pupil's continued attendance in 11829
school may endanger the health and safety of other pupils or 11830
school employees and gives the pupil and the pupil's parent, 11831
guardian, or custodian written notice that the superintendent 11832
intends to recommend to the board of education that the board 11833
adopt a resolution requesting the superintendent of public 11834
instruction to permanently exclude the pupil from public school 11835

attendance. 11836

(b) The superintendent or the superintendent's designee 11837
forwards to the board of education the superintendent's written 11838
recommendation that includes the determinations the 11839
superintendent or designee made pursuant to division (C) (1) (a) 11840
of this section and a copy of the proof the superintendent 11841
received showing that the pupil has been convicted of or 11842
adjudicated a delinquent child for a violation listed in 11843
division (A) of this section that was committed when the pupil 11844
was sixteen years of age or older. 11845

(2) Within fourteen days after receipt of a recommendation 11846
from the superintendent pursuant to division (C) (1) (b) of this 11847
section that a pupil be permanently excluded from public school 11848
attendance, the board of education of a city, local, exempted 11849
village, or joint vocational school district, after review and 11850
consideration of all of the following available information, may 11851
adopt a resolution requesting the superintendent of public 11852
instruction to permanently exclude the pupil who is the subject 11853
of the recommendation from public school attendance: 11854

(a) The academic record of the pupil and a record of any 11855
extracurricular activities in which the pupil previously was 11856
involved; 11857

(b) The disciplinary record of the pupil and any available 11858
records of the pupil's prior behavioral problems other than the 11859
behavioral problems contained in the disciplinary record; 11860

(c) The social history of the pupil; 11861

(d) The pupil's response to the imposition of prior 11862
discipline and sanctions imposed for behavioral problems; 11863

(e) Evidence regarding the seriousness of and any 11864

aggravating factors related to the offense that is the basis of 11865
the resolution seeking permanent exclusion; 11866

(f) Any mitigating circumstances surrounding the offense 11867
that gave rise to the request for permanent exclusion; 11868

(g) Evidence regarding the probable danger posed to the 11869
health and safety of other pupils or of school employees by the 11870
continued presence of the pupil in a public school setting; 11871

(h) Evidence regarding the probable disruption of the 11872
teaching of any school district's graded course of study by the 11873
continued presence of the pupil in a public school setting; 11874

(i) Evidence regarding the availability of alternative 11875
sanctions of a less serious nature than permanent exclusion that 11876
would enable the pupil to remain in a public school setting 11877
without posing a significant danger to the health and safety of 11878
other pupils or of school employees and without posing a threat 11879
of the disruption of the teaching of any district's graded 11880
course of study. 11881

(3) If the board does not adopt a resolution requesting 11882
the superintendent of public instruction to permanently exclude 11883
the pupil, it immediately shall send written notice of that fact 11884
to the superintendent who sought the resolution, to the pupil 11885
who was the subject of the proposed resolution, and to that 11886
pupil's parent, guardian, or custodian. 11887

(D) (1) Upon adoption of a resolution under division (C) of 11888
this section, the board of education immediately shall forward 11889
to the superintendent of public instruction the written 11890
resolution, proof of the conviction or adjudication that is the 11891
basis of the resolution, a copy of the pupil's entire school 11892
record, and any other relevant information and shall forward a 11893

copy of the resolution to the pupil who is the subject of the 11894
recommendation and to that pupil's parent, guardian, or 11895
custodian. 11896

(2) The board of education that adopted and forwarded the 11897
resolution requesting the permanent exclusion of the pupil to 11898
the superintendent of public instruction promptly shall 11899
designate a representative of the school district to present the 11900
case for permanent exclusion to the superintendent or the 11901
referee appointed by the superintendent. The representative of 11902
the school district may be an attorney admitted to the practice 11903
of law in this state. At the adjudication hearing held pursuant 11904
to section 3301.121 of the Revised Code, the representative of 11905
the school district shall present evidence in support of the 11906
requested permanent exclusion. 11907

(3) Upon receipt of a board of education's resolution 11908
requesting the permanent exclusion of a pupil from public school 11909
attendance, the superintendent of public instruction, in 11910
accordance with the adjudication procedures of section 3301.121 11911
of the Revised Code, promptly shall issue an adjudication order 11912
that either permanently excludes the pupil from attending any of 11913
the public schools of this state or that rejects the resolution 11914
of the board of education. 11915

(E) Notwithstanding any provision of section 3313.64 of 11916
the Revised Code or an order of any court of this state that 11917
otherwise requires the admission of the pupil to a school, no 11918
school official in a city, local, exempted village, or joint 11919
vocational school district knowingly shall admit to any school 11920
in the school district a pupil who has been permanently excluded 11921
from public school attendance by the superintendent of public 11922
instruction. 11923

(F) (1) (a) Upon determining that the school attendance of a pupil who has been permanently excluded from public school attendance no longer will endanger the health and safety of other students or school employees, the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school may issue to the board of education of the school district a recommendation, including the reasons for the recommendation, that the permanent exclusion of a pupil be revoked and the pupil be allowed to return to the public schools of the state.

If any violation which in whole or in part gave rise to the permanent exclusion of any pupil involved the pupil's bringing a firearm to a school operated by the board of education of a school district or onto any other property owned or operated by such a board, no superintendent shall recommend under this division an effective date for the revocation of the pupil's permanent exclusion that is less than one year after the date on which the last such firearm incident occurred. However, on a case-by-case basis, a superintendent may recommend an earlier effective date for such a revocation for any of the reasons for which the superintendent may reduce the one-year expulsion requirement in division (B) (2) of section 3313.66 of the Revised Code.

(b) Upon receipt of the recommendation of the superintendent that a permanent exclusion of a pupil be revoked, the board of education of a city, local, exempted village, or joint vocational school district may adopt a resolution by a majority vote of its members requesting the superintendent of public instruction to revoke the permanent exclusion of the pupil. Upon adoption of the resolution, the board of education shall forward a copy of the resolution, the reasons for the

resolution, and any other relevant information to the 11955
superintendent of public instruction. 11956

(c) Upon receipt of a resolution of a board of education 11957
requesting the revocation of a permanent exclusion of a pupil, 11958
the superintendent of public instruction, in accordance with the 11959
adjudication procedures of Chapter 119. of the Revised Code, 11960
shall issue an adjudication order that revokes the permanent 11961
exclusion of the pupil from public school attendance or that 11962
rejects the resolution of the board of education. 11963

(2) (a) A pupil who has been permanently excluded pursuant 11964
to this section and section 3301.121 of the Revised Code may 11965
request the superintendent of any city, local, exempted village, 11966
or joint vocational school district in which the pupil desires 11967
to attend school to admit the pupil on a probationary basis for 11968
a period not to exceed ninety school days. Upon receiving the 11969
request, the superintendent may enter into discussions with the 11970
pupil and with the pupil's parent, guardian, or custodian or a 11971
person designated by the pupil's parent, guardian, or custodian 11972
to develop a probationary admission plan designed to assist the 11973
pupil's probationary admission to the school. The plan may 11974
include a treatment program, a behavioral modification program, 11975
or any other program reasonably designed to meet the educational 11976
needs of the child and the disciplinary requirements of the 11977
school. 11978

If any violation which in whole or in part gave rise to 11979
the permanent exclusion of the pupil involved the pupil's 11980
bringing a firearm to a school operated by the board of 11981
education of any school district or onto any other property 11982
owned or operated by such a board, no plan developed under this 11983
division for the pupil shall include an effective date for the 11984

probationary admission of the pupil that is less than one year 11985
after the date on which the last such firearm incident occurred 11986
except that on a case-by-case basis, a plan may include an 11987
earlier effective date for such an admission for any of the 11988
reasons for which the superintendent of the district may reduce 11989
the one-year expulsion requirement in division (B) (2) of section 11990
3313.66 of the Revised Code. 11991

(b) If the superintendent of a school district, a pupil, 11992
and the pupil's parent, guardian, or custodian or a person 11993
designated by the pupil's parent, guardian, or custodian agree 11994
upon a probationary admission plan prepared pursuant to division 11995
(F) (2) (a) of this section, the superintendent of the school 11996
district shall issue to the board of education of the school 11997
district a recommendation that the pupil be allowed to attend 11998
school within the school district under probationary admission, 11999
the reasons for the recommendation, and a copy of the agreed 12000
upon probationary admission plan. Within fourteen days after the 12001
board of education receives the recommendation, reasons, and 12002
plan, the board may adopt the recommendation by a majority vote 12003
of its members. If the board adopts the recommendation, the 12004
pupil may attend school under probationary admission within that 12005
school district for a period not to exceed ninety days or any 12006
additional probationary period permitted under divisions (F) (2) 12007
(d) and (e) of this section in accordance with the probationary 12008
admission plan prepared pursuant to division (F) (2) (a) of this 12009
section. 12010

(c) If a pupil who is permitted to attend school under 12011
probationary admission pursuant to division (F) (2) (b) of this 12012
section fails to comply with the probationary admission plan 12013
prepared pursuant to division (F) (2) (a) of this section, the 12014
superintendent of the school district immediately may remove the 12015

pupil from the school and issue to the board of education of the school district a recommendation that the probationary admission be revoked. Within five days after the board of education receives the recommendation, the board may adopt the recommendation to revoke the pupil's probationary admission by a majority vote of its members. If a majority of the board does not adopt the recommendation to revoke the pupil's probationary admission, the pupil shall continue to attend school in compliance with the pupil's probationary admission plan.

(d) If a pupil who is permitted to attend school under probationary admission pursuant to division (F)(2)(b) of this section complies with the probationary admission plan prepared pursuant to division (F)(2)(a) of this section, the pupil or the pupil's parent, guardian, or custodian, at any time before the expiration of the ninety-day probationary admission period, may request the superintendent of the school district to extend the terms and period of the pupil's probationary admission for a period not to exceed ninety days or to issue a recommendation pursuant to division (F)(1) of this section that the pupil's permanent exclusion be revoked and the pupil be allowed to return to the public schools of this state.

(e) If a pupil is granted an extension of the pupil's probationary admission pursuant to division (F)(2)(d) of this section, the pupil or the pupil's parent, guardian, or custodian, in the manner described in that division, may request, and the superintendent and board, in the manner described in that division, may recommend and grant, subsequent probationary admission periods not to exceed ninety days each. If a pupil who is permitted to attend school under an extension of a probationary admission plan complies with the probationary admission plan prepared pursuant to the extension, the pupil or

the pupil's parent, guardian, or custodian may request a 12047
revocation of the pupil's permanent exclusion in the manner 12048
described in division (F) (2) (d) of this section. 12049

(f) Any extension of a probationary admission requested by 12050
a pupil or a pupil's parent, guardian, or custodian pursuant to 12051
divisions (F) (2) (d) or (e) of this section shall be subject to 12052
the adoption and approval of a probationary admission plan in 12053
the manner described in divisions (F) (2) (a) and (b) of this 12054
section and may be terminated as provided in division (F) (2) (c) 12055
of this section. 12056

(g) If the pupil has complied with any probationary 12057
admission plan and the superintendent issues a recommendation 12058
that seeks revocation of the pupil's permanent exclusion 12059
pursuant to division (F) (1) of this section, the pupil's 12060
compliance with any probationary admission plan may be 12061
considered along with other relevant factors in any 12062
determination or adjudication conducted pursuant to division (F) 12063
(1) of this section. 12064

(G) (1) Except as provided in division (G) (2) of this 12065
section, any information regarding the permanent exclusion of a 12066
pupil shall be included in the pupil's official records and 12067
shall be included in any records sent to any school district 12068
that requests the pupil's records. 12069

(2) When a pupil who has been permanently excluded from 12070
public school attendance reaches the age of twenty-two or when 12071
the permanent exclusion of a pupil has been revoked, all school 12072
districts that maintain records regarding the pupil's permanent 12073
exclusion shall remove all references to the exclusion from the 12074
pupil's file and shall destroy them. 12075

A pupil who has reached the age of twenty-two or whose permanent exclusion has been revoked may send a written notice to the superintendent of any school district maintaining records of the pupil's permanent exclusion requesting the superintendent to ensure that the records are removed from the pupil's file and destroyed. Upon receipt of the request and a determination that the pupil is twenty-two years of age or older or that the pupil's permanent exclusion has been revoked, the superintendent shall ensure that the records are removed from the pupil's file and destroyed.

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

(a) An institution that is a residential facility, that receives and cares for children, that is maintained by the department of youth services, and that operates a school chartered by the state board of education under section 3301.16 of the Revised Code;

(b) Any on-premises school operated by an out-of-home care entity, other than a school district, that is chartered by the state board of education under section 3301.16 of the Revised Code;

(c) Any school operated in connection with an out-of-home care entity or a nonresidential youth treatment program that enters into a contract or agreement with a school district for the provision of educational services in a setting other than a setting that is a building or structure owned or controlled by the board of education of the school district during normal school hours.

(2) This section does not prohibit any person who has been

permanently excluded pursuant to this section and section 12105
3301.121 of the Revised Code from seeking a certificate of high 12106
school equivalence. A person who has been permanently excluded 12107
may be permitted to participate in a course of study in 12108
preparation for a high school equivalency test approved by the 12109
department of education pursuant to division (B) of section 12110
3301.80 of the Revised Code, except that the person shall not 12111
participate during normal school hours in that course of study 12112
in any building or structure owned or controlled by the board of 12113
education of a school district. 12114

(3) This section does not relieve any school district from 12115
any requirement under section 2151.362 or 3313.64 of the Revised 12116
Code to pay for the cost of educating any child who has been 12117
permanently excluded pursuant to this section and section 12118
3301.121 of the Revised Code. 12119

(I) As used in this section: 12120

(1) "Permanently exclude" means to forever prohibit an 12121
individual from attending any public school in this state that 12122
is operated by a city, local, exempted village, or joint 12123
vocational school district. 12124

(2) "Permanent exclusion" means the prohibition of a pupil 12125
forever from attending any public school in this state that is 12126
operated by a city, local, exempted village, or joint vocational 12127
school district. 12128

(3) "Out-of-home care" has the same meaning as in section 12129
2151.011 of the Revised Code. 12130

(4) "Certificate of high school equivalence" has the same 12131
meaning as in section 4109.06 of the Revised Code. 12132

(5) "Nonresidential youth treatment program" means a 12133

program designed to provide services to persons under the age of 12134
eighteen in a setting that does not regularly provide long-term 12135
overnight care, including settlement houses, diversion and 12136
prevention programs, run-away centers, and alternative education 12137
programs. 12138

(6) "Firearm" has the same meaning as provided pursuant to 12139
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 12140
8001(a) (2). 12141

(7) "Minor drug possession offense" has the same meaning 12142
as in section 2925.01 of the Revised Code. 12143

Sec. 3319.31. (A) As used in this section and sections 12144
3123.41 to 3123.50 and 3319.311 of the Revised Code, "license" 12145
means a certificate, license, or permit described in this 12146
chapter or in division (B) of section 3301.071 or in section 12147
3301.074 of the Revised Code. 12148

(B) For any of the following reasons, the state board of 12149
education, in accordance with Chapter 119. and section 3319.311 12150
of the Revised Code, may refuse to issue a license to an 12151
applicant; may limit a license it issues to an applicant; may 12152
suspend, revoke, or limit a license that has been issued to any 12153
person; or may revoke a license that has been issued to any 12154
person and has expired: 12155

(1) Engaging in an immoral act, incompetence, negligence, 12156
or conduct that is unbecoming to the applicant's or person's 12157
position; 12158

(2) A plea of guilty to, a finding of guilt by a jury or 12159
court of, or a conviction of any of the following: 12160

(a) A felony other than a felony listed in division (C) of 12161
this section; 12162

(b) An offense of violence other than an offense of violence listed in division (C) of this section; 12163
12164

(c) A theft offense, as defined in section 2913.01 of the Revised Code, other than a theft offense listed in division (C) of this section; 12165
12166
12167

(d) A drug abuse offense, as defined in section 2925.01 of the Revised Code, that is not a minor misdemeanor, other than a drug abuse offense listed in division (C) of this section; 12168
12169
12170

(e) A violation of an ordinance of a municipal corporation that is substantively comparable to an offense listed in divisions (B) (2) (a) to (d) of this section. 12171
12172
12173

(3) A judicial finding of eligibility for intervention in lieu of conviction under section 2951.041 of the Revised Code, or agreeing to participate in a pre-trial diversion program under section 2935.36 of the Revised Code, or a similar diversion program under rules of a court, for any offense listed in division (B) (2) or (C) of this section; 12174
12175
12176
12177
12178
12179

(4) Failure to comply with section 3313.536, 3314.40, 3319.313, 3326.24, 3328.19, or 5126.253 of the Revised Code. 12180
12181

(C) Upon learning of a plea of guilty to, a finding of guilt by a jury or court of, or a conviction of any of the offenses listed in this division by a person who holds a current or expired license or is an applicant for a license or renewal of a license, the state board or the superintendent of public instruction, if the state board has delegated the duty pursuant to division (D) of this section, shall by a written order revoke the person's license or deny issuance or renewal of the license to the person. The state board or the superintendent shall revoke a license that has been issued to a person to whom this 12182
12183
12184
12185
12186
12187
12188
12189
12190
12191

division applies and has expired in the same manner as a license 12192
that has not expired. 12193

Revocation of a license or denial of issuance or renewal 12194
of a license under this division is effective immediately at the 12195
time and date that the board or superintendent issues the 12196
written order and is not subject to appeal in accordance with 12197
Chapter 119. of the Revised Code. Revocation of a license or 12198
denial of issuance or renewal of license under this division 12199
remains in force during the pendency of an appeal by the person 12200
of the plea of guilty, finding of guilt, or conviction that is 12201
the basis of the action taken under this division. 12202

The state board or superintendent shall take the action 12203
required by this division for a violation of division (B) (1), 12204
(2), (3), or (4) of section 2919.22 of the Revised Code; a 12205
violation of section 2903.01, 2903.02, 2903.03, 2903.04, 12206
2903.041, 2903.11, 2903.12, 2903.15, 2905.01, 2905.02, 2905.05, 12207
2905.11, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 12208
2907.21, 2907.22, 2907.23, 2907.24, 2907.241, 2907.25, 2907.31, 12209
2907.311, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 12210
2907.34, 2909.02, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 12211
2911.11, 2911.12, 2913.44, 2917.01, 2917.02, 2917.03, 2917.31, 12212
2917.33, 2919.12, 2919.121, 2919.13, 2921.02, 2921.03, 2921.04, 12213
2921.05, 2921.11, 2921.34, 2921.41, 2923.122, 2923.123, 12214
2923.161, 2923.17, 2923.21, 2925.02, 2925.021, 2925.03, ~~2925.04,~~ 12215
~~2925.041,~~ 2925.05, 2925.06, 2925.061, 2925.07, 2925.08, 2925.13, 12216
2925.22, 2925.23, 2925.24, 2925.32, 2925.36, 2925.37, 2927.24, 12217
or 3716.11 of the Revised Code; a violation of section 2905.04 12218
of the Revised Code as it existed prior to July 1, 1996; a 12219
violation of section 2919.23 of the Revised Code that would have 12220
been a violation of section 2905.04 of the Revised Code as it 12221
existed prior to July 1, 1996, had the violation been committed 12222

prior to that date; felonious sexual penetration in violation of 12223
former section 2907.12 of the Revised Code; or a violation of an 12224
ordinance of a municipal corporation that is substantively 12225
comparable to an offense listed in this paragraph. 12226

(D) The state board may delegate to the superintendent of 12227
public instruction the authority to revoke a person's license or 12228
to deny issuance or renewal of a license to a person under 12229
division (C) or (F) of this section. 12230

(E) (1) If the plea of guilty, finding of guilt, or 12231
conviction that is the basis of the action taken under division 12232
(B) (2) or (C) of this section, or under the version of division 12233
(F) of section 3319.311 of the Revised Code in effect prior to 12234
September 12, 2008, is overturned on appeal, upon exhaustion of 12235
the criminal appeal, the clerk of the court that overturned the 12236
plea, finding, or conviction or, if applicable, the clerk of the 12237
court that accepted an appeal from the court that overturned the 12238
plea, finding, or conviction, shall notify the state board that 12239
the plea, finding, or conviction has been overturned. Within 12240
thirty days after receiving the notification, the state board 12241
shall initiate proceedings to reconsider the revocation or 12242
denial of the person's license in accordance with division (E) 12243
(2) of this section. In addition, the person whose license was 12244
revoked or denied may file with the state board a petition for 12245
reconsideration of the revocation or denial along with 12246
appropriate court documents. 12247

(2) Upon receipt of a court notification or a petition and 12248
supporting court documents under division (E) (1) of this 12249
section, the state board, after offering the person an 12250
opportunity for an adjudication hearing under Chapter 119. of 12251
the Revised Code, shall determine whether the person committed 12252

the act in question in the prior criminal action against the 12253
person that is the basis of the revocation or denial and may 12254
continue the revocation or denial, may reinstate the person's 12255
license, with or without limits, or may grant the person a new 12256
license, with or without limits. The decision of the board shall 12257
be based on grounds for revoking, denying, suspending, or 12258
limiting a license adopted by rule under division (G) of this 12259
section and in accordance with the evidentiary standards the 12260
board employs for all other licensure hearings. The decision of 12261
the board under this division is subject to appeal under Chapter 12262
119. of the Revised Code. 12263

(3) A person whose license is revoked or denied under 12264
division (C) of this section shall not apply for any license if 12265
the plea of guilty, finding of guilt, or conviction that is the 12266
basis of the revocation or denial, upon completion of the 12267
criminal appeal, either is upheld or is overturned but the state 12268
board continues the revocation or denial under division (E) (2) 12269
of this section and that continuation is upheld on final appeal. 12270

(F) The state board may take action under division (B) of 12271
this section, and the state board or the superintendent shall 12272
take the action required under division (C) of this section, on 12273
the basis of substantially comparable conduct occurring in a 12274
jurisdiction outside this state or occurring before a person 12275
applies for or receives any license. 12276

(G) The state board may adopt rules in accordance with 12277
Chapter 119. of the Revised Code to carry out this section and 12278
section 3319.311 of the Revised Code. 12279

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 12280
(b) of section 109.57 of the Revised Code, the appointing or 12281
hiring officer of the board of education of a school district, 12282

the governing board of an educational service center, or of a 12283
chartered nonpublic school shall request the superintendent of 12284
the bureau of criminal identification and investigation to 12285
conduct a criminal records check with respect to any applicant 12286
who has applied to the school district, educational service 12287
center, or school for employment in any position. The appointing 12288
or hiring officer shall request that the superintendent include 12289
information from the federal bureau of investigation in the 12290
criminal records check, unless all of the following apply to the 12291
applicant: 12292

(a) The applicant is applying to be an instructor of adult 12293
education. 12294

(b) The duties of the position for which the applicant is 12295
applying do not involve routine interaction with a child or 12296
regular responsibility for the care, custody, or control of a 12297
child or, if the duties do involve such interaction or 12298
responsibility, during any period of time in which the 12299
applicant, if hired, has such interaction or responsibility, 12300
another employee of the school district, educational service 12301
center, or chartered nonpublic school will be present in the 12302
same room with the child or, if outdoors, will be within a 12303
thirty-yard radius of the child or have visual contact with the 12304
child. 12305

(c) The applicant presents proof that the applicant has 12306
been a resident of this state for the five-year period 12307
immediately prior to the date upon which the criminal records 12308
check is requested or provides evidence that within that five- 12309
year period the superintendent has requested information about 12310
the applicant from the federal bureau of investigation in a 12311
criminal records check. 12312

(2) A person required by division (A) (1) of this section 12313
to request a criminal records check shall provide to each 12314
applicant a copy of the form prescribed pursuant to division (C) 12315
(1) of section 109.572 of the Revised Code, provide to each 12316
applicant a standard impression sheet to obtain fingerprint 12317
impressions prescribed pursuant to division (C) (2) of section 12318
109.572 of the Revised Code, obtain the completed form and 12319
impression sheet from each applicant, and forward the completed 12320
form and impression sheet to the superintendent of the bureau of 12321
criminal identification and investigation at the time the person 12322
requests a criminal records check pursuant to division (A) (1) of 12323
this section. 12324

(3) An applicant who receives pursuant to division (A) (2) 12325
of this section a copy of the form prescribed pursuant to 12326
division (C) (1) of section 109.572 of the Revised Code and a 12327
copy of an impression sheet prescribed pursuant to division (C) 12328
(2) of that section and who is requested to complete the form 12329
and provide a set of fingerprint impressions shall complete the 12330
form or provide all the information necessary to complete the 12331
form and shall provide the impression sheet with the impressions 12332
of the applicant's fingerprints. If an applicant, upon request, 12333
fails to provide the information necessary to complete the form 12334
or fails to provide impressions of the applicant's fingerprints, 12335
the board of education of a school district, governing board of 12336
an educational service center, or governing authority of a 12337
chartered nonpublic school shall not employ that applicant for 12338
any position. 12339

(4) Notwithstanding any provision of this section to the 12340
contrary, an applicant who meets the conditions prescribed in 12341
divisions (A) (1) (a) and (b) of this section and who, within the 12342
two-year period prior to the date of application, was the 12343

subject of a criminal records check under this section prior to 12344
being hired for short-term employment with the school district, 12345
educational service center, or chartered nonpublic school to 12346
which application is being made shall not be required to undergo 12347
a criminal records check prior to the applicant's rehiring by 12348
that district, service center, or school. 12349

(B) (1) Except as provided in rules adopted by the 12350
department of education in accordance with division (E) of this 12351
section and as provided in division (B) (3) of this section, no 12352
board of education of a school district, no governing board of 12353
an educational service center, and no governing authority of a 12354
chartered nonpublic school shall employ a person if the person 12355
previously has been convicted of or pleaded guilty to any of the 12356
following: 12357

(a) A violation of section 2903.01, 2903.02, 2903.03, 12358
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12359
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12360
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12361
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12362
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12363
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 12364
~~2925.04~~, 2925.05, 2925.06, 2925.07, 2925.08, or 3716.11 of the 12365
Revised Code, a violation of section 2905.04 of the Revised Code 12366
as it existed prior to July 1, 1996, a violation of section 12367
2919.23 of the Revised Code that would have been a violation of 12368
section 2905.04 of the Revised Code as it existed prior to July 12369
1, 1996, had the violation been committed prior to that date, a 12370
violation of section ~~2925.11~~2925.04 or 2925.041 of the Revised 12371
Code that is not a minor drug possession offense, or felonious 12372
sexual penetration in violation of former section 2907.12 of the 12373
Revised Code; 12374

(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B) (1) (a) of this section.

(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B) (1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment.

(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code.

(C) (1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C) (3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A) (1) of this section of the appointing or hiring officer of the board or governing authority.

(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C) (1)

of this section. If a fee is charged under this division, the 12405
board or governing authority shall notify the applicant at the 12406
time of the applicant's initial application for employment of 12407
the amount of the fee and that, unless the fee is paid, the 12408
board or governing authority will not consider the applicant for 12409
employment. 12410

(D) The report of any criminal records check conducted by 12411
the bureau of criminal identification and investigation in 12412
accordance with section 109.572 of the Revised Code and pursuant 12413
to a request under division (A) (1) of this section is not a 12414
public record for the purposes of section 149.43 of the Revised 12415
Code and shall not be made available to any person other than 12416
the applicant who is the subject of the criminal records check 12417
or the applicant's representative, the board or governing 12418
authority requesting the criminal records check or its 12419
representative, and any court, hearing officer, or other 12420
necessary individual involved in a case dealing with the denial 12421
of employment to the applicant. 12422

(E) The department of education shall adopt rules pursuant 12423
to Chapter 119. of the Revised Code to implement this section, 12424
including rules specifying circumstances under which the board 12425
or governing authority may hire a person who has been convicted 12426
of an offense listed in division (B) (1) or (3) of this section 12427
but who meets standards in regard to rehabilitation set by the 12428
department. 12429

The department shall amend rule 3301-83-23 of the Ohio 12430
Administrative Code that took effect August 27, 2009, and that 12431
specifies the offenses that disqualify a person for employment 12432
as a school bus or school van driver and establishes 12433
rehabilitation standards for school bus and school van drivers. 12434

(F) Any person required by division (A) (1) of this section 12435
to request a criminal records check shall inform each person, at 12436
the time of the person's initial application for employment, of 12437
the requirement to provide a set of fingerprint impressions and 12438
that a criminal records check is required to be conducted and 12439
satisfactorily completed in accordance with section 109.572 of 12440
the Revised Code if the person comes under final consideration 12441
for appointment or employment as a precondition to employment 12442
for the school district, educational service center, or school 12443
for that position. 12444

(G) As used in this section: 12445

(1) "Applicant" means a person who is under final 12446
consideration for appointment or employment in a position with a 12447
board of education, governing board of an educational service 12448
center, or a chartered nonpublic school, except that "applicant" 12449
does not include a person already employed by a board or 12450
chartered nonpublic school who is under consideration for a 12451
different position with such board or school. 12452

(2) "Teacher" means a person holding an educator license 12453
or permit issued under section 3319.22 or 3319.301 of the 12454
Revised Code and teachers in a chartered nonpublic school. 12455

(3) "Criminal records check" has the same meaning as in 12456
section 109.572 of the Revised Code. 12457

(4) "Minor drug possession offense" has the same meaning 12458
as in section 2925.01 of the Revised Code. 12459

(H) If the board of education of a local school district 12460
adopts a resolution requesting the assistance of the educational 12461
service center in which the local district has territory in 12462
conducting criminal records checks of substitute teachers and 12463

substitutes for other district employees under this section, the 12464
appointing or hiring officer of such educational service center 12465
shall serve for purposes of this section as the appointing or 12466
hiring officer of the local board in the case of hiring 12467
substitute teachers and other substitute employees for the local 12468
district. 12469

Sec. 3707.57. (A) As used in this section: 12470

(1) "Bloodborne pathogens" means the human 12471
immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C 12472
virus. 12473

(2) "Board of health" means the board of health of a city 12474
or general health district or the authority having the duties of 12475
a board of health under section 3709.05 of the Revised Code. 12476

(B) A board of health may establish a bloodborne 12477
infectious disease prevention program. The cost of the program 12478
is the responsibility of the board of health. 12479

(C) A board of health that establishes a bloodborne 12480
infectious disease prevention program shall determine the manner 12481
in which the program is operated and the individuals who are 12482
eligible to participate. The program shall do all of the 12483
following: 12484

(1) If resources are available, provide on-site screening 12485
for bloodborne pathogens; 12486

(2) Provide education to each program participant 12487
regarding exposure to bloodborne pathogens; 12488

(3) Identify health and supportive services providers and 12489
substance abuse treatment programs available in the area served 12490
by the prevention program and, as appropriate, develop and enter 12491

into referral agreements with the identified providers and programs; 12492
12493

(4) Encourage each program participant to seek appropriate medical care, mental health services, substance abuse treatment, or social services and, as appropriate, make referrals to health and supportive services providers and substance abuse treatment programs with which the prevention program has entered into referral agreements; 12494
12495
12496
12497
12498
12499

(5) Use a recordkeeping system that ensures that the identity of each program participant remains anonymous; 12500
12501

(6) Comply with applicable state and federal laws governing participant confidentiality; 12502
12503

(7) Provide each program participant with documentation identifying the individual as an active participant in the program. 12504
12505
12506

(D) A bloodborne infectious disease prevention program may collect demographic information about each program participant, including the zip code applicable to the participant's address, and the participant's comorbidity diagnosis, if any. The program may report the information to the department of mental health and addiction services. 12507
12508
12509
12510
12511
12512

(E) (1) Before establishing a bloodborne infectious disease prevention program, the board of health shall consult with all of the following: 12513
12514
12515

(a) Interested parties from the health district represented by the board, including all of the following: 12516
12517

(i) Law enforcement representatives; 12518

(ii) Prosecutors, as defined in section 2935.01 of the 12519

Revised Code;	12520
(iii) Representatives of community addiction services	12521
providers whose alcohol and drug addiction services are	12522
certified under section 5119.36 of the Revised Code;	12523
(iv) Persons recovering from substance abuse;	12524
(v) Relevant private, nonprofit organizations, including	12525
hepatitis C and HIV advocacy organizations;	12526
(vi) Residents of the health district;	12527
(vii) The board of alcohol, drug addiction, and mental	12528
health services that serves the area in which the health	12529
district is located.	12530
(b) Representatives selected by the governing authority of	12531
the city, village, or township in which the program is proposed	12532
to be established.	12533
(2) If the board of health, after consulting with the	12534
interested parties and representatives listed in division (D) (1)	12535
of this section, decides to establish a bloodborne infectious	12536
disease prevention program, the board shall provide written	12537
notice of the proposed location to the governing authority of	12538
the city, village, or township in which the program is to be	12539
located. The governing authority retains all zoning rights.	12540
(F) (1) If carrying out a duty under a component of a	12541
bloodborne infectious disease prevention program would be	12542
considered a violation of any of the following, an employee or	12543
volunteer of the program, when carrying out the duty, is not	12544
subject to criminal prosecution for the violation:	12545
(a) Section 2923.24 of the Revised Code;	12546

(b) Section 2925.12 Possessing drug abuse instruments in	12547
violation of section 2925.14 of the Revised Code;	12548
(c) Division (C) (1) of section 2925.14 of the Revised Code	12549
regarding the prohibition against illegal possession of drug	12550
paraphernalia;	12551
(d) Division (C) or (D) of section 3719.172 of the Revised	12552
Code regarding the prohibition against furnishing a hypodermic	12553
needle to another person.	12554
(2) If participating in a component of a bloodborne	12555
infectious disease prevention program would be considered a	12556
violation of any of the following, a program participant who is	12557
within one thousand feet of a program facility and is in	12558
possession of documentation from the program identifying the	12559
individual as an active participant in the program is not	12560
subject to criminal prosecution for the violation:	12561
(a) Section 2923.24 of the Revised Code;	12562
(b) Section 2925.12 Possessing drug abuse instruments in	12563
violation of section 2925.14 of the Revised Code;	12564
(c) Division (C) (1) of section 2925.14 of the Revised Code	12565
regarding the prohibition against illegal possession of drug	12566
paraphernalia.	12567
(G) A board of health that establishes a bloodborne	12568
infectious disease prevention program shall include details	12569
about the program in its annual report prepared under section	12570
3707.47 of the Revised Code.	12571
Sec. 3712.09. (A) As used in this section:	12572
(1) "Applicant" means a person who is under final	12573
consideration for employment with a hospice care program or	12574

pediatric respite care program in a full-time, part-time, or 12575
temporary position that involves providing direct care to an 12576
older adult or pediatric respite care patient. "Applicant" does 12577
not include a person who provides direct care as a volunteer 12578
without receiving or expecting to receive any form of 12579
remuneration other than reimbursement for actual expenses. 12580

(2) "Criminal records check" has the same meaning as in 12581
section 109.572 of the Revised Code. 12582

(3) "Older adult" means a person age sixty or older. 12583

(B) (1) Except as provided in division (I) of this section, 12584
the chief administrator of a hospice care program or pediatric 12585
respite care program shall request that the superintendent of 12586
the bureau of criminal identification and investigation conduct 12587
a criminal records check of each applicant. If an applicant for 12588
whom a criminal records check request is required under this 12589
division does not present proof of having been a resident of 12590
this state for the five-year period immediately prior to the 12591
date the criminal records check is requested or provide evidence 12592
that within that five-year period the superintendent has 12593
requested information about the applicant from the federal 12594
bureau of investigation in a criminal records check, the chief 12595
administrator shall request that the superintendent obtain 12596
information from the federal bureau of investigation as part of 12597
the criminal records check of the applicant. Even if an 12598
applicant for whom a criminal records check request is required 12599
under this division presents proof of having been a resident of 12600
this state for the five-year period, the chief administrator may 12601
request that the superintendent include information from the 12602
federal bureau of investigation in the criminal records check. 12603

(2) A person required by division (B) (1) of this section 12604

to request a criminal records check shall do both of the 12605
following: 12606

(a) Provide to each applicant for whom a criminal records 12607
check request is required under that division a copy of the form 12608
prescribed pursuant to division (C)(1) of section 109.572 of the 12609
Revised Code and a standard fingerprint impression sheet 12610
prescribed pursuant to division (C)(2) of that section, and 12611
obtain the completed form and impression sheet from the 12612
applicant; 12613

(b) Forward the completed form and impression sheet to the 12614
superintendent of the bureau of criminal identification and 12615
investigation. 12616

(3) An applicant provided the form and fingerprint 12617
impression sheet under division (B)(2)(a) of this section who 12618
fails to complete the form or provide fingerprint impressions 12619
shall not be employed in any position for which a criminal 12620
records check is required by this section. 12621

(C)(1) Except as provided in rules adopted by the director 12622
of health in accordance with division (F) of this section and 12623
subject to division (C)(2) of this section, no hospice care 12624
program or pediatric respite care program shall employ a person 12625
in a position that involves providing direct care to an older 12626
adult or pediatric respite care patient if the person has been 12627
convicted of or pleaded guilty to any of the following: 12628

(a) A violation of section 2903.01, 2903.02, 2903.03, 12629
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12630
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 12631
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 12632
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 12633

2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 12634
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 12635
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 12636
~~2925.11~~, 2925.04, 2925.041, 2925.05, 2925.13, 2925.22, 2925.23, 12637
or 3716.11 of the Revised Code. 12638

(b) A violation of an existing or former law of this 12639
state, any other state, or the United States that is 12640
substantially equivalent to any of the offenses listed in 12641
division (C) (1) (a) of this section. 12642

(2) (a) A hospice care program or pediatric respite care 12643
program may employ conditionally an applicant for whom a 12644
criminal records check request is required under division (B) of 12645
this section prior to obtaining the results of a criminal 12646
records check regarding the individual, provided that the 12647
program shall request a criminal records check regarding the 12648
individual in accordance with division (B) (1) of this section 12649
not later than five business days after the individual begins 12650
conditional employment. In the circumstances described in 12651
division (I) (2) of this section, a hospice care program or 12652
pediatric respite care program may employ conditionally an 12653
applicant who has been referred to the hospice care program or 12654
pediatric respite care program by an employment service that 12655
supplies full-time, part-time, or temporary staff for positions 12656
involving the direct care of older adults or pediatric respite 12657
care patients and for whom, pursuant to that division, a 12658
criminal records check is not required under division (B) of 12659
this section. 12660

(b) A hospice care program or pediatric respite care 12661
program that employs an individual conditionally under authority 12662
of division (C) (2) (a) of this section shall terminate the 12663

individual's employment if the results of the criminal records 12664
check requested under division (B) of this section or described 12665
in division (I) (2) of this section, other than the results of 12666
any request for information from the federal bureau of 12667
investigation, are not obtained within the period ending thirty 12668
days after the date the request is made. Regardless of when the 12669
results of the criminal records check are obtained, if the 12670
results indicate that the individual has been convicted of or 12671
pleaded guilty to any of the offenses listed or described in 12672
division (C) (1) of this section, the program shall terminate the 12673
individual's employment unless the program chooses to employ the 12674
individual pursuant to division (F) of this section. Termination 12675
of employment under this division shall be considered just cause 12676
for discharge for purposes of division (D) (2) of section 4141.29 12677
of the Revised Code if the individual makes any attempt to 12678
deceive the program about the individual's criminal record. 12679

(D) (1) Each hospice care program or pediatric respite care 12680
program shall pay to the bureau of criminal identification and 12681
investigation the fee prescribed pursuant to division (C) (3) of 12682
section 109.572 of the Revised Code for each criminal records 12683
check conducted pursuant to a request made under division (B) of 12684
this section. 12685

(2) A hospice care program or pediatric respite care 12686
program may charge an applicant a fee not exceeding the amount 12687
the program pays under division (D) (1) of this section. A 12688
program may collect a fee only if both of the following apply: 12689

(a) The program notifies the person at the time of initial 12690
application for employment of the amount of the fee and that, 12691
unless the fee is paid, the person will not be considered for 12692
employment; 12693

(b) The medicaid program does not reimburse the program	12694
the fee it pays under division (D)(1) of this section.	12695
(E) The report of a criminal records check conducted	12696
pursuant to a request made under this section is not a public	12697
record for the purposes of section 149.43 of the Revised Code	12698
and shall not be made available to any person other than the	12699
following:	12700
(1) The individual who is the subject of the criminal	12701
records check or the individual's representative;	12702
(2) The chief administrator of the program requesting the	12703
criminal records check or the administrator's representative;	12704
(3) The administrator of any other facility, agency, or	12705
program that provides direct care to older adults or pediatric	12706
respite care patients that is owned or operated by the same	12707
entity that owns or operates the hospice care program or	12708
pediatric respite care program;	12709
(4) A court, hearing officer, or other necessary	12710
individual involved in a case dealing with a denial of	12711
employment of the applicant or dealing with employment or	12712
unemployment benefits of the applicant;	12713
(5) Any person to whom the report is provided pursuant to,	12714
and in accordance with, division (I)(1) or (2) of this section.	12715
(F) The director of health shall adopt rules in accordance	12716
with Chapter 119. of the Revised Code to implement this section.	12717
The rules shall specify circumstances under which a hospice care	12718
program or pediatric respite care program may employ a person	12719
who has been convicted of or pleaded guilty to an offense listed	12720
or described in division (C)(1) of this section but meets	12721
personal character standards set by the director.	12722

(G) The chief administrator of a hospice care program or 12723
pediatric respite care program shall inform each individual, at 12724
the time of initial application for a position that involves 12725
providing direct care to an older adult or pediatric respite 12726
care patient, that the individual is required to provide a set 12727
of fingerprint impressions and that a criminal records check is 12728
required to be conducted if the individual comes under final 12729
consideration for employment. 12730

(H) In a tort or other civil action for damages that is 12731
brought as the result of an injury, death, or loss to person or 12732
property caused by an individual who a hospice care program or 12733
pediatric respite care program employs in a position that 12734
involves providing direct care to older adults or pediatric 12735
respite care patients, all of the following shall apply: 12736

(1) If the program employed the individual in good faith 12737
and reasonable reliance on the report of a criminal records 12738
check requested under this section, the program shall not be 12739
found negligent solely because of its reliance on the report, 12740
even if the information in the report is determined later to 12741
have been incomplete or inaccurate; 12742

(2) If the program employed the individual in good faith 12743
on a conditional basis pursuant to division (C)(2) of this 12744
section, the program shall not be found negligent solely because 12745
it employed the individual prior to receiving the report of a 12746
criminal records check requested under this section; 12747

(3) If the program in good faith employed the individual 12748
according to the personal character standards established in 12749
rules adopted under division (F) of this section, the program 12750
shall not be found negligent solely because the individual prior 12751
to being employed had been convicted of or pleaded guilty to an 12752

offense listed or described in division (C) (1) of this section. 12753

(I) (1) The chief administrator of a hospice care program 12754
or pediatric respite care program is not required to request 12755
that the superintendent of the bureau of criminal identification 12756
and investigation conduct a criminal records check of an 12757
applicant if the applicant has been referred to the program by 12758
an employment service that supplies full-time, part-time, or 12759
temporary staff for positions involving the direct care of older 12760
adults or pediatric respite care patients and both of the 12761
following apply: 12762

(a) The chief administrator receives from the employment 12763
service or the applicant a report of the results of a criminal 12764
records check regarding the applicant that has been conducted by 12765
the superintendent within the one-year period immediately 12766
preceding the applicant's referral; 12767

(b) The report of the criminal records check demonstrates 12768
that the person has not been convicted of or pleaded guilty to 12769
an offense listed or described in division (C) (1) of this 12770
section, or the report demonstrates that the person has been 12771
convicted of or pleaded guilty to one or more of those offenses, 12772
but the hospice care program or pediatric respite care program 12773
chooses to employ the individual pursuant to division (F) of 12774
this section. 12775

(2) The chief administrator of a hospice care program or 12776
pediatric respite care program is not required to request that 12777
the superintendent of the bureau of criminal identification and 12778
investigation conduct a criminal records check of an applicant 12779
and may employ the applicant conditionally as described in this 12780
division, if the applicant has been referred to the program by 12781
an employment service that supplies full-time, part-time, or 12782

temporary staff for positions involving the direct care of older 12783
adults or pediatric respite care patients and if the chief 12784
administrator receives from the employment service or the 12785
applicant a letter from the employment service that is on the 12786
letterhead of the employment service, dated, and signed by a 12787
supervisor or another designated official of the employment 12788
service and that states that the employment service has 12789
requested the superintendent to conduct a criminal records check 12790
regarding the applicant, that the requested criminal records 12791
check will include a determination of whether the applicant has 12792
been convicted of or pleaded guilty to any offense listed or 12793
described in division (C) (1) of this section, that, as of the 12794
date set forth on the letter, the employment service had not 12795
received the results of the criminal records check, and that, 12796
when the employment service receives the results of the criminal 12797
records check, it promptly will send a copy of the results to 12798
the hospice care program or pediatric respite care program. If a 12799
hospice care program or pediatric respite care program employs 12800
an applicant conditionally in accordance with this division, the 12801
employment service, upon its receipt of the results of the 12802
criminal records check, promptly shall send a copy of the 12803
results to the hospice care program or pediatric respite care 12804
program, and division (C) (2) (b) of this section applies 12805
regarding the conditional employment. 12806

Sec. 3719.01. As used in this chapter: 12807

(A) "Administer" means the direct application of a drug, 12808
whether by injection, inhalation, ingestion, or any other means 12809
to a person or an animal. 12810

(B) "Drug enforcement administration" means the drug 12811
enforcement administration of the United States department of 12812

justice or its successor agency.	12813
(C) "Controlled substance" means a drug, compound,	12814
mixture, preparation, or substance included in schedule I, II,	12815
III, IV, or V.	12816
(D) "Dangerous drug" has the same meaning as in section	12817
4729.01 of the Revised Code.	12818
(E) "Dispense" means to sell, leave with, give away,	12819
dispose of, or deliver.	12820
(F) "Distribute" means to deal in, ship, transport, or	12821
deliver but does not include administering or dispensing a drug.	12822
(G) "Drug" has the same meaning as in section 4729.01 of	12823
the Revised Code.	12824
(H) "Drug abuse offense," "felony drug abuse offense,"	12825
"cocaine," and "hashish" have the same meanings as in section	12826
2925.01 of the Revised Code.	12827
(I) "Federal drug abuse control laws" means the	12828
"Comprehensive Drug Abuse Prevention and Control Act of 1970,"	12829
84 Stat. 1242, 21 U.S.C. 801, as amended.	12830
(J) "Hospital" means an institution for the care and	12831
treatment of the sick and injured that is certified by the	12832
department of health and approved by the state board of pharmacy	12833
as proper to be entrusted with the custody of controlled	12834
substances and the professional use of controlled substances.	12835
(K) "Hypodermic" means a hypodermic syringe or needle, or	12836
other instrument or device for the injection of medication.	12837
(L) "Isomer," except as otherwise expressly stated, means	12838
the optical isomer.	12839

(M) "Laboratory" means a laboratory approved by the state board of pharmacy as proper to be entrusted with the custody of controlled substances and the use of controlled substances for scientific and clinical purposes and for purposes of instruction.

(N) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section 3715.01 of the Revised Code.

(O) "~~Marihuana~~Marijuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "~~Marihuana~~Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

(P) "Narcotic drugs" means coca leaves, opium, isonipecaine, amidone, isoamidone, ketobemidone, as defined in this division, and every substance not chemically distinguished from them and every drug, other than cannabis, that may be included in the meaning of "narcotic drug" under the federal drug abuse control laws. As used in this division:

(1) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves, that does not contain cocaine, ecgonine, or substances from which cocaine or ecgonine

- may be synthesized or made. 12870
- (2) "Isonipecaine" means any substance identified 12871
chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid 12872
ethyl ester, or any salt thereof, by whatever trade name 12873
designated. 12874
- (3) "Amidone" means any substance identified chemically as 12875
4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, 12876
by whatever trade name designated. 12877
- (4) "Isoamidone" means any substance identified chemically 12878
as 4-4-diphenyl-5-methyl-6-dimethylamino-hexanone-3, or any salt 12879
thereof, by whatever trade name designated. 12880
- (5) "Ketobemidone" means any substance identified 12881
chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl 12882
ketone hydrochloride, or any salt thereof, by whatever trade 12883
name designated. 12884
- (Q) "Official written order" means an order written on a 12885
form provided for that purpose by the director of the United 12886
States drug enforcement administration, under any laws of the 12887
United States making provision for the order, if the order forms 12888
are authorized and required by federal law. 12889
- (R) "Opiate" means any substance having an addiction- 12890
forming or addiction-sustaining liability similar to morphine or 12891
being capable of conversion into a drug having addiction-forming 12892
or addiction-sustaining liability. "Opiate" does not include, 12893
unless specifically designated as controlled under section 12894
3719.41 of the Revised Code, the dextrorotatory isomer of 3- 12895
methoxy-N-methylmorphinan and its salts (dextro-methorphan). 12896
"Opiate" does include its racemic and levoratory forms. 12897
- (S) "Opium poppy" means the plant of the species papaver 12898

somniferum L., except its seeds.	12899
(T) "Person" means any individual, corporation,	12900
government, governmental subdivision or agency, business trust,	12901
estate, trust, partnership, association, or other legal entity.	12902
(U) "Pharmacist" means a person licensed under Chapter	12903
4729. of the Revised Code to engage in the practice of pharmacy.	12904
(V) "Pharmacy" has the same meaning as in section 4729.01	12905
of the Revised Code.	12906
(W) "Poison" means any drug, chemical, or preparation	12907
likely to be deleterious or destructive to adult human life in	12908
quantities of four grams or less.	12909
(X) "Poppy straw" means all parts, except the seeds, of	12910
the opium poppy, after mowing.	12911
(Y) "Licensed health professional authorized to prescribe	12912
drugs," "prescriber," and "prescription" have the same meanings	12913
as in section 4729.01 of the Revised Code.	12914
(Z) "Registry number" means the number assigned to each	12915
person registered under the federal drug abuse control laws.	12916
(AA) "Sale" includes delivery, barter, exchange, transfer,	12917
or gift, or offer thereof, and each transaction of those natures	12918
made by any person, whether as principal, proprietor, agent,	12919
servant, or employee.	12920
(BB) "Schedule I," "schedule II," "schedule III,"	12921
"schedule IV," and "schedule V" mean controlled substance	12922
schedules I, II, III, IV, and V, respectively, established	12923
pursuant to section 3719.41 of the Revised Code, as amended	12924
pursuant to section 3719.43 or 3719.44 of the Revised Code.	12925

(CC) "Wholesaler" means a person who, on official written orders other than prescriptions, supplies controlled substances that the person has not manufactured, produced, or prepared personally and includes a "wholesale distributor of dangerous drugs" as defined in section 4729.01 of the Revised Code. 12926
12927
12928
12929
12930

(DD) "Animal shelter" means a facility operated by a humane society or any society organized under Chapter 1717. of the Revised Code or a dog pound operated pursuant to Chapter 955. of the Revised Code. 12931
12932
12933
12934

(EE) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code. 12935
12936

(FF) "Category III license" means a license issued to a terminal distributor of dangerous drugs as set forth in section 4729.54 of the Revised Code. 12937
12938
12939

(GG) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 12940
12941

(HH) (1) "Controlled substance analog" means, except as provided in division (HH) (2) of this section, a substance to which both of the following apply: 12942
12943
12944

(a) The chemical structure of the substance is substantially similar to the structure of a controlled substance in schedule I or II. 12945
12946
12947

(b) One of the following applies regarding the substance: 12948

(i) The substance has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II. 12949
12950
12951
12952
12953

(ii) With respect to a particular person, that person represents or intends the substance to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in schedule I or II.

(2) "Controlled substance analog" does not include any of the following:

(a) A controlled substance;

(b) Any substance for which there is an approved new drug application;

(c) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption;

(d) Any substance to the extent it is not intended for human consumption before the exemption described in division (HH) (2) (b) of this section takes effect with respect to that substance.

(II) "Benzodiazepine" means a controlled substance that has United States food and drug administration approved labeling indicating that it is a benzodiazepine, benzodiazepine derivative, triazolobenzodiazepine, or triazolobenzodiazepine derivative, including the following drugs and their varying salt forms or chemical congeners: alprazolam, chlordiazepoxide hydrochloride, clobazam, clonazepam, clorazepate, diazepam, estazolam, flurazepam hydrochloride, lorazepam, midazolam, oxazepam, quazepam, temazepam, and triazolam.

(JJ) "Opioid analgesic" means a controlled substance that

has analgesic pharmacologic activity at the opioid receptors of 12983
the central nervous system, including the following drugs and 12984
their varying salt forms or chemical congeners: buprenorphine, 12985
butorphanol, codeine (including acetaminophen and other 12986
combination products), dihydrocodeine, fentanyl, hydrocodone 12987
(including acetaminophen combination products), hydromorphone, 12988
meperidine, methadone, morphine sulfate, oxycodone (including 12989
acetaminophen, aspirin, and other combination products), 12990
oxymorphone, tapentadol, and tramadol. 12991

(KK) "Emergency facility" means a hospital emergency 12992
department or any other facility that provides emergency care. 12993

Sec. 3719.013. Except as otherwise provided in section 12994
2925.02, 2925.021, 2925.03, 2925.04, or ~~2925.11-2925.041~~ of the 12995
Revised Code, a controlled substance analog, to the extent 12996
intended for human consumption, shall be treated for purposes of 12997
any provision of the Revised Code as a controlled substance in 12998
schedule I. 12999

Sec. 3719.21. Except as provided in division (C) of 13000
section 2923.42, division (B) of section 2923.44, ~~divisions (D)-~~ 13001
~~(1), (F), and (H) of section 2925.03, division (D) (1) of section-~~ 13002
~~2925.02, 2925.04, or 2925.05, division (E) (1) of section-~~ 13003
~~2925.11, division (E) of section 2925.13, division (F) of-~~ 13004
~~section 2925.36, division (D) of section 2925.22, division (H)-~~ 13005
~~of section 2925.23, division (M) of section 2925.37, section~~ 13006
2925.10, division (B) of section 2925.42, division (F) of 13007
section 2925.57, division (B) of section 2929.18, division (D) 13008
of section 3719.99, division (B) (1) of section 4729.65, division 13009
(E) (3) of section 4729.99, and division (I) (3) of section 13010
4729.99 of the Revised Code, the clerk of the court shall pay 13011
all fines or forfeited bail assessed and collected under 13012

prosecutions or prosecutions commenced for violations of this 13013
chapter, section 2923.42 of the Revised Code, or Chapter 2925. 13014
of the Revised Code, within thirty days, to the executive 13015
director of the state board of pharmacy, and the executive 13016
director shall deposit the fines into the state treasury to the 13017
credit of the occupational licensing and regulatory fund. 13018

Sec. 3719.41. Controlled substance schedules I, II, III, 13019
IV, and V are hereby established, which schedules include the 13020
following, subject to amendment pursuant to section 3719.43 or 13021
3719.44 of the Revised Code. 13022

SCHEDULE I 13023

(A) Narcotics-opiates 13024

Any of the following opiates, including their isomers, 13025
esters, ethers, salts, and salts of isomers, esters, and ethers, 13026
unless specifically excepted under federal drug abuse control 13027
laws, whenever the existence of these isomers, esters, ethers, 13028
and salts is possible within the specific chemical designation: 13029

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2- 13030
phenethyl)-4-piperidinyl]-N-phenylacetamide); 13031

(2) Acetylmethadol; 13032

(3) Allylprodine; 13033

(4) Alphacetylmethadol (except levo-alphacetylmethadol, 13034
also known as levo-alpha-acetylmethadol, levomethadyl acetate, 13035
or LAAM); 13036

(5) Alphameprodine; 13037

(6) Alphamethadol; 13038

(7) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta- 13039

phenyl)ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	13040
	13041
(8) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N- phenylpropanamide);	13042
	13043
(9) Benzethidine;	13044
(10) Betacetylmethadol;	13045
(11) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl]-N- phenylpropanamide);	13046
	13047
(12) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	13048
	13049
	13050
(13) Betameprodine;	13051
(14) Betamethadol;	13052
(15) Betaprodine;	13053
(16) Clonitazene;	13054
(17) Dextromoramide;	13055
(18) Diampromide;	13056
(19) Diethylthiambutene;	13057
(20) Difenoxin;	13058
(21) Dimenoxadol;	13059
(22) Dimepheptanol;	13060
(23) Dimethylthiambutene;	13061
(24) Dioxaphetyl butyrate;	13062
(25) Dipipanone;	13063

(26) Ethylmethylthiambutene;	13064
(27) Etonitazene;	13065
(28) Etoxeridine;	13066
(29) Furethidine;	13067
(30) Hydroxypethidine;	13068
(31) Ketobemidone;	13069
(32) Levomoramide;	13070
(33) Levophenacylmorphane;	13071
(34) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);	13072 13073
(35) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);	13074 13075
(36) Morpheridine;	13076
(37) MPPP (1-methyl-4-phenyl-4-propionoxypiperidine);	13077
(38) Noracymethadol;	13078
(39) Norlevorphanol;	13079
(40) Normethadone;	13080
(41) Norpipanone;	13081
(42) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);	13082 13083
(43) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);	13084
(44) Phenadoxone;	13085
(45) Phenampromide;	13086

(46) Phenomorphan;	13087
(47) Phenoperidine;	13088
(48) Piritramide;	13089
(49) Proheptazine;	13090
(50) Properidine;	13091
(51) Propiram;	13092
(52) Racemoramide;	13093
(53) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-	13094
piperidinyl]-propanamide;	13095
(54) Tilidine;	13096
(55) Trimeperidine.	13097
(56) Except as otherwise provided in this section, any	13098
compound that meets all of the following fentanyl pharmacophore	13099
requirements to bind at the mu receptor, as identified by a	13100
report from an established forensic laboratory:	13101
(a) A chemical scaffold consisting of both of the	13102
following:	13103
(i) A five, six, or seven member ring structure containing	13104
a nitrogen, whether or not further substituted;	13105
(ii) An attached nitrogen to the ring, whether or not that	13106
nitrogen is enclosed in a ring structure, including an attached	13107
aromatic ring or other lipophilic group to that nitrogen;	13108
(b) A polar functional group attached to the chemical	13109
scaffold, including but not limited to, a hydroxyl, ketone,	13110
amide, or ester;	13111

(c) An alkyl or aryl substitution off the ring nitrogen of the chemical scaffold; and	13112 13113
(d) The compound has not been approved for medical use by the United States food and drug administration.	13114 13115
(B) Narcotics-opium derivatives	13116
Any of the following opium derivatives, including their salts, isomers, and salts of isomers, unless specifically excepted under federal drug abuse control laws, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	13117 13118 13119 13120 13121
(1) Acetorphine;	13122
(2) Acetyldihydrocodeine;	13123
(3) Benzylmorphine;	13124
(4) Codeine methylbromide;	13125
(5) Codeine-n-oxide;	13126
(6) Cyprenorphine;	13127
(7) Desomorphine;	13128
(8) Dihydromorphine;	13129
(9) Drotebanol;	13130
(10) Etorphine (except hydrochloride salt);	13131
(11) Heroin;	13132
(12) Hydromorphinol;	13133
(13) Methyldesorphine;	13134
(14) Methyldihydromorphine;	13135

(15) Morphine methylbromide;	13136
(16) Morphine methylsulfonate;	13137
(17) Morphine-n-oxide;	13138
(18) Myrophine;	13139
(19) Nicocodeine;	13140
(20) Nicomorphine;	13141
(21) Normorphine;	13142
(22) Pholcodine;	13143
(23) Thebacon.	13144
(C) Hallucinogens	13145
Any material, compound, mixture, or preparation that	13146
contains any quantity of the following hallucinogenic	13147
substances, including their salts, isomers, and salts of	13148
isomers, unless specifically excepted under federal drug abuse	13149
control laws, whenever the existence of these salts, isomers,	13150
and salts of isomers is possible within the specific chemical	13151
designation. For the purposes of this division only, "isomer"	13152
includes the optical isomers, position isomers, and geometric	13153
isomers.	13154
(1) Alpha-ethyltryptamine (some trade or other names:	13155
etryptamine; Monase; alpha-ethyl-1H-indole-3-ethanamine; 3-(2-	13156
aminobutyl) indole; alpha-ET; and AET);	13157
(2) 4-bromo-2,5-dimethoxyamphetamine (some trade or other	13158
names: 4-bromo-2,5-dimethoxy-alpha-methyphenethylamine; 4-bromo-	13159
2,5-DMA);	13160
(3) 4-bromo-2,5-dimethoxyphenethylamine (some trade or	13161

other names: 2-(4-bromo-2,5-dimethoxyphenyl)-1-aminoethane;	13162
alpha-desmethyl DOB; 2C-B, Nexus);	13163
(4) 2,5-dimethoxyamphetamine (some trade or other names:	13164
2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);	13165
(5) 2,5-dimethoxy-4-ethylamphetamine (some trade or other	13166
names: DOET);	13167
(6) 4-methoxyamphetamine (some trade or other names: 4-	13168
methoxy-alpha-methylphenethylamine; paramethoxyamphetamine;	13169
PMA);	13170
(7) 5-methoxy-3,4-methylenedioxy-amphetamine;	13171
(8) 4-methyl-2,5-dimethoxy-amphetamine (some trade or	13172
other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine;	13173
"DOM" and "STP");	13174
(9) 3,4-methylenedioxy amphetamine (MDA);	13175
(10) 3,4-methylenedioxymethamphetamine (MDMA);	13176
(11) 3,4-methylenedioxy-N-ethylamphetamine (also known as	13177
N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl	13178
MDA, MDE, MDEA);	13179
(12) N-hydroxy-3,4-methylenedioxyamphetamine (also known	13180
as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine and	13181
N-hydroxy MDA);	13182
(13) 3,4,5-trimethoxy amphetamine;	13183
(14) Bufotenine (some trade or other names: 3-(beta-	13184
dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-	13185
indolol; N, N-dimethylserotonin; 5-hydroxy-N, N-	13186
dimethyltryptamine; mappine);	13187
(15) Diethyltryptamine (some trade or other names: N, N-	13188

diethyltryptamine; DET);	13189
(16) Dimethyltryptamine (some trade or other names: DMT);	13190
(17) Ibogaine (some trade or other names: 7-ethyl-	13191
6,6beta,7,8,9,10,12,13-octahydro-2-methoxy-6,9-methano- 5H-	13192
pyrido[1',2':1,2] azepino [5, 4-b] indole; tabernanthe iboga);	13193
(18) Lysergic acid diethylamide;	13194
(19) Marihuana <u>Marijuana</u> ;	13195
(20) Mescaline;	13196
(21) Parahexyl (some trade or other names: 3-hexyl-1-	13197
hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-	13198
dibenzo[b,d]pyran; synhexyl);	13199
(22) Peyote (meaning all parts of the plant presently	13200
classified botanically as "Lophophora williamsii Lemaire,"	13201
whether growing or not, the seeds of that plant, any extract	13202
from any part of that plant, and every compound, manufacture,	13203
salts, derivative, mixture, or preparation of that plant, its	13204
seeds, or its extracts);	13205
(23) N-ethyl-3-piperidyl benzilate;	13206
(24) N-methyl-3-piperidyl benzilate;	13207
(25) Psilocybin;	13208
(26) Psilocyn;	13209
(27) Tetrahydrocannabinols (synthetic equivalents of the	13210
substances contained in the plant, or in the resinous	13211
extractives of Cannabis, sp. and/or synthetic substances,	13212
derivatives, and their isomers with similar chemical structure	13213
and pharmacological activity such as the following: delta-1-cis	13214
or trans tetrahydrocannabinol, and their optical isomers; delta-	13215

6-cis or trans tetrahydrocannabinol, and their optical isomers;	13216
delta-3,4-cis or trans tetrahydrocannabinol, and its optical	13217
isomers. (Since nomenclature of these substances is not	13218
internationally standardized, compounds of these structures,	13219
regardless of numerical designation of atomic positions, are	13220
covered.);	13221
(28) Ethylamine analog of phencyclidine (some trade or	13222
other names: N-ethyl-1-phenylcyclohexylamine; (1-	13223
phenylcyclohexyl)ethylamine; N-(1-phenylcyclohexyl)ethylamine;	13224
cyclohexamine; PCE);	13225
(29) Pyrrolidine analog of phencyclidine (some trade or	13226
other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP);	13227
(30) Thiophene analog of phencyclidine (some trade or	13228
other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine; 2-thienyl	13229
analog of phencyclidine; TPCP; TCP);	13230
(31) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;	13231
(32) Hashish;	13232
(33) Salvia divinorum;	13233
(34) Salvinorin A;	13234
(35) (1-pentylindol-3-yl)-(2,2,3,3-	13235
tetramethylcyclopropyl)methanone (UR-144);	13236
(36) 1-pentyl-3-(1-adamantoyl)indole (AB-001);	13237
(37) N-adamantyl-1-pentylindole-3-carboxamide;	13238
(38) N-adamantyl-1-pentylindazole-3-carboxamide (AKB48);	13239
(39) 2-ethylamino-2-(3-methoxyphenyl)cyclohexanone	13240
(methoxetamine);	13241

(40) N,N-diallyl-5-methoxytryptamine (5MeO-DALT);	13242
(41) [1-(5-fluoropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-fluoropentyl-UR-144; XLR11);	13243 13244
(42) [1-(5-chloropentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-chloropentyl-UR-144);	13245 13246
(43) [1-(5-bromopentylindol-3-yl)]-(2,2,3,3-tetramethylcyclopropyl)methanone (5-bromopentyl-UR-144);	13247 13248
(44) {1-[2-(4-morpholinyl)ethyl]indol-3-yl}-(2,2,3,3-tetramethylcyclopropyl) methanone (A-796,260);	13249 13250
(45) 1-[(N-methylpiperidin-2-yl)methyl]-3-(1-adamantoyl)indole (AM1248);	13251 13252
(46) N-adamantyl-1-(5-fluoropentylindole)-3-carboxamide;	13253
(47) 5-(2-aminopropyl)benzofuran (5-APB);	13254
(48) 6-(2-aminopropyl)benzofuran (6-APB);	13255
(49) 5-(2-aminopropyl)-2,3-dihydrobenzofuran (5-APDB);	13256
(50) 6-(2-aminopropyl)-2,3-dihydrobenzofuran (6-APDB);	13257
(51) Benzothiophenylcyclohexylpiperidine (BTCP);	13258
(52) 2-(2,5-Dimethoxy-4-ethylphenyl)ethanamine (2C-E);	13259
(53) 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (2C-D);	13260
(54) 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);	13261
(55) 2-(4-Iodo-2,5-dimethoxyphenyl)ethanamine (2C-I);	13262
(56) 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);	13263 13264
(57) 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine	13265

(2C-T-4);	13266
(58) 2-(2,5-Dimethoxyphenyl)ethanamine (2C-H);	13267
(59) 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (2C-N);	13268
(60) 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);	13269 13270
(61) 4-methoxymethamphetamine (PMMA);	13271
(62) 5,6 - Methylenedioxy-2-aminoindane (MDAI);	13272
(63) 5-iodo-2-aminoindane (5-IAI);	13273
(64) 2-(4-iodo-2,5-dimethoxyphenyl)-N- [(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe);	13274 13275
(65) Diphenylprolinol (diphenyl(pyrrolidin-2-yl)methanol, D2PM);	13276 13277
(66) Desoxypipradrol (2-benzhydrylpiperidine);	13278
(67) Synthetic cannabinoids - unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of a synthetic cannabinoid found to be in any of the following chemical groups or any of those groups which contain any synthetic cannabinoid salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical groups:	13279 13280 13281 13282 13283 13284 13285 13286
(a) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure with or without substitution at the nitrogen atom of the indole ring by an alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,	13287 13288 13289 13290 13291 13292

or 2-(4-morpholinyl)ethyl group, whether or not further	13293
substituted on the indole ring to any extent or whether or not	13294
substituted on the naphthyl group to any extent.	13295
Naphthoylindoles include, but are not limited to, 1-[2-(4-	13296
morpholinyl)ethyl]-3-(1-naphthoyl)indole (JWH-200); 1-(5-	13297
fluoropentyl)-3-(1-naphthoyl)indole (AM2201), 1-pentyl-3-(1-	13298
naphthoyl)indole (JWH-018), and 1-butyl-3-(1-naphthoyl)indole	13299
(JWH-073).	13300
(b) Naphthylmethylinindoles: any compound containing a 1H-	13301
indol-3-yl-(1-naphthyl)methane structure with or without	13302
substitution at the nitrogen atom of the indole ring by an	13303
alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,	13304
(N-methylpiperidin-2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-	13305
2-yl)methyl, (tetrahydropyran-4-yl)methyl, ((N-methyl)-3-	13306
morpholinyl)methyl, or 2-(4-morpholinyl)ethyl group, whether or	13307
not further substituted on the indole ring to any extent or	13308
whether or not substituted on the naphthyl group to any extent.	13309
Naphthylmethylinindoles include, but are not limited to, (1-	13310
pentylindol-3-yl)(1-naphthyl)methane (JWH-175).	13311
(c) Naphthoylpyrroles: any compound containing a 3-(1-	13312
naphthoyl)pyrrole structure with or without substitution at the	13313
nitrogen atom of the pyrrole ring by an alkyl, haloalkyl,	13314
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin-	13315
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl,	13316
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl,	13317
or 2-(4-morpholinyl)ethyl group, whether or not further	13318
substituted on the pyrrole ring to any extent or whether or not	13319
substituted on the naphthyl group to any extent.	13320
Naphthoylpyrroles include, but are not limited to, 1-hexyl-2-	13321
phenyl-4-(1-naphthoyl)pyrrole (JWH-147).	13322

- (d) Naphthylmethylindenes: any compound containing a 13323
naphthylmethylideneindene structure with or without substitution 13324
at the 3-position of the indene ring by an alkyl, haloalkyl, 13325
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 13326
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 13327
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 13328
or 2-(4-morpholinyl)ethyl group, whether or not further 13329
substituted on the indene group to any extent or whether or not 13330
substituted on the naphthyl group to any extent. 13331
Naphthylmethylindenes include, but are not limited to, (1-[(3- 13332
pentyl)-1H-inden-1-ylidene)methyl]naphthalene (JWH-176). 13333
- (e) Phenylacetylindoles: any compound containing a 3- 13334
phenylacetylindole structure with or without substitution at the 13335
nitrogen atom of the indole ring by an alkyl, haloalkyl, 13336
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 13337
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 13338
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 13339
or 2-(4-morpholinyl)ethyl group, whether or not further 13340
substituted on the indole ring to any extent or whether or not 13341
substituted on the phenyl group to any extent. 13342
Phenylacetylindoles include, but are not limited to, 1-pentyl-3- 13343
(2-methoxyphenylacetyl)indole (JWH-250), and 1-(2- 13344
cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (RCS-8); 1- 13345
pentyl-3-(2-chlorophenylacetyl)indole (JWH-203). 13346
- (f) Cyclohexylphenols: any compound containing a 2-(3- 13347
hydroxycyclohexyl)phenol structure with or without substitution 13348
at the 5-position of the phenolic ring by an alkyl, haloalkyl, 13349
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 13350
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 13351
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl, 13352
or 2-(4-morpholinyl)ethyl group, whether or not further 13353

substituted on the cyclohexyl group to any extent. 13354
Cyclohexylphenols include, but are not limited to, 5-(1,1- 13355
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol (some 13356
trade or other names: CP-47,497) and 5-(1,1-dimethyloctyl)-2- 13357
[(1R,3S)-3-hydroxycyclohexyl]-phenol (some trade or other names: 13358
cannabicyclohexanol; CP-47,497 C8 homologue). 13359

(g) Benzoylindoles: any compound containing a 3-(1- 13360
benzoyl)indole structure with or without substitution at the 13361
nitrogen atom of the indole ring by an alkyl, haloalkyl, 13362
alkenyl, cycloalkylmethyl, cycloalkylethyl, (N-methylpiperidin- 13363
2-yl)methyl, cyanoalkyl, (N-methylpyrrolidin-2-yl)methyl, 13364
(tetrahydropyran-4-yl)methyl, ((N-methyl)-3-morpholinyl)methyl 13365
or 2-(4-morpholinyl)ethyl group, whether or not further 13366
substituted on the indole ring to any extent or whether or not 13367
substituted on the phenyl group to any extent. Benzoylindoles 13368
include, but are not limited to, 1-pentyl-3-(4- 13369
methoxybenzoyl)indole (RCS-4), 1-[2-(4-morpholinyl)ethyl]-2- 13370
methyl-3-(4-methoxybenzoyl)indole (Pravadoline or WIN 48, 098). 13371

(D) Depressants 13372

Any material, compound, mixture, or preparation that 13373
contains any quantity of the following substances having a 13374
depressant effect on the central nervous system, including their 13375
salts, isomers, and salts of isomers, unless specifically 13376
excepted under federal drug abuse control laws, whenever the 13377
existence of these salts, isomers, and salts of isomers is 13378
possible within the specific chemical designation: 13379

(1) Mecloqualone; 13380

(2) Methaqualone. 13381

(E) Stimulants 13382

Unless specifically excepted or unless listed in another	13383
schedule, any material, compound, mixture, or preparation that	13384
contains any quantity of the following substances having a	13385
stimulant effect on the central nervous system, including their	13386
salts, isomers, and salts of isomers:	13387
(1) Aminorex (some other names: aminoxaphen; 2-amino-5-	13388
phenyl-2-oxazoline; or 4,5-dihydro-5-phenyl-2-oxazolamine);	13389
(2) Fenethylamine;	13390
(3) (+/-)cis-4-methylaminorex ((+/-)cis-4,5-dihydro-4-	13391
methyl-5-phenyl-2-oxazolamine);	13392
(4) N-ethylamphetamine;	13393
(5) N,N-dimethylamphetamine (also known as N,N-alpha-	13394
trimethyl-benzeneethanamine; N,N-alpha-trimethylphenethylamine);	13395
(6) N-methyl-1-(thiophen-2-yl) propan-2-amine	13396
(Methiopropamine);	13397
(7) Substituted cathinones - any compound except bupropion	13398
or compounds listed under a different schedule, structurally	13399
derived from 2-aminopropan-1-one by substitution at the 1-	13400
position with either phenyl, naphthyl, or thiophene ring	13401
systems, whether or not the compound is further modified in any	13402
of the following ways:	13403
(a) By substitution in the ring system to any extent with	13404
alkyl, alkylendioxy, alkoxy, haloalkyl, hydroxyl, or halide	13405
substituents, whether or not further substituted in the ring	13406
system by one or more other univalent substituents;	13407
(b) By substitution at the 3-position with an acyclic	13408
alkyl substituent;	13409

(c) By substitution at the 2-amino nitrogen atom with 13410
alkyl, dialkyl, benzyl, or methoxybenzyl groups; 13411

(d) By inclusion of the 2-amino nitrogen atom in a cyclic 13412
structure. 13413

Examples of substituted cathinones include, but are not 13414
limited to, methyldone (3,4-methylenedioxy-methcathinone), MDPV 13415
(3,4-methylenedioxy-pyrovalerone), mephedrone (4- 13416
methylethylmethcathinone), 4-methoxymethcathinone, 4- 13417
fluoromethcathinone, 3-fluoromethcathinone, Pentedrone (2- 13418
(methylamino)-1-phenyl-1-pentanone), pentylone (1-(1,3- 13419
benzodioxol-5-yl)-2-(methylamino)-1-pentanone), 2-(1- 13420
pyrrolidinyl)-1-(4-methylphenyl)-1-propanone, alpha-PVP (1- 13421
phenyl-2-(1-pyrrolidinyl)-1-pentanone), cathinone (2-amino-1- 13422
phenyl-1-propanone), and methcathinone (2-(methylamino)- 13423
propylphenone). 13424

SCHEDULE II 13425

(A) Narcotics-opium and opium derivatives 13426

Unless specifically excepted under federal drug abuse 13427
control laws or unless listed in another schedule, any of the 13428
following substances whether produced directly or indirectly by 13429
extraction from substances of vegetable origin, independently by 13430
means of chemical synthesis, or by a combination of extraction 13431
and chemical synthesis: 13432

(1) Opium and opiate, and any salt, compound, derivative, 13433
or preparation of opium or opiate, excluding apomorphine, 13434
thebaine-derived butorphanol, dextrorphan, nalbuphine, 13435
nalmefene, naloxone, and naltrexone, and their respective salts, 13436
but including the following: 13437

(a) Raw opium; 13438

(b) Opium extracts;	13439
(c) Opium fluid extracts;	13440
(d) Powdered opium;	13441
(e) Granulated opium;	13442
(f) Tincture of opium;	13443
(g) Codeine;	13444
(h) Ethylmorphine;	13445
(i) Etorphine hydrochloride;	13446
(j) Hydrocodone;	13447
(k) Hydromorphone;	13448
(l) Metopon;	13449
(m) Morphine;	13450
(n) Oxycodone;	13451
(o) Oxymorphone;	13452
(p) Thebaine.	13453
(2) Any salt, compound, derivative, or preparation thereof	13454
that is chemically equivalent to or identical with any of the	13455
substances referred to in division (A) (1) of this schedule,	13456
except that these substances shall not include the isoquinoline	13457
alkaloids of opium;	13458
(3) Opium poppy and poppy straw;	13459
(4) Coca leaves and any salt, compound, derivative, or	13460
preparation of coca leaves (including cocaine and ecgonine,	13461
their salts, isomers, and derivatives, and salts of those	13462

isomers and derivatives), and any salt, compound, derivative, or 13463
preparation thereof that is chemically equivalent to or 13464
identical with any of these substances, except that the 13465
substances shall not include decocainized coca leaves or 13466
extraction of coca leaves, which extractions do not contain 13467
cocaine or ecgonine; 13468

(5) Concentrate of poppy straw (the crude extract of poppy 13469
straw in either liquid, solid, or powder form that contains the 13470
phenanthrene alkaloids of the opium poppy). 13471

(B) Narcotics-opiates 13472

Unless specifically excepted under federal drug abuse 13473
control laws or unless listed in another schedule, any of the 13474
following opiates, including their isomers, esters, ethers, 13475
salts, and salts of isomers, esters, and ethers, whenever the 13476
existence of these isomers, esters, ethers, and salts is 13477
possible within the specific chemical designation, but excluding 13478
dextrorphan and levopropoxyphene: 13479

(1) Alfentanil; 13480

(2) Alphaprodine; 13481

(3) Anileridine; 13482

(4) Bezitramide; 13483

(5) Bulk dextropropoxyphene (non-dosage forms); 13484

(6) Carfentanil; 13485

(7) Dihydrocodeine; 13486

(8) Diphenoxylate; 13487

(9) Fentanyl; 13488

(10) Isomethadone;	13489
(11) Levo-alpha-acetylmethadol (some other names: levo-alpha-acetylmethadol; levomethadyl acetate; LAAM);	13490 13491
(12) Levomethorphan;	13492
(13) Levorphanol;	13493
(14) Metazocine;	13494
(15) Methadone;	13495
(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;	13496 13497
(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;	13498 13499
(18) Pethidine (meperidine);	13500
(19) Pethidine-intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;	13501 13502
(20) Pethidine-intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;	13503 13504
(21) Pethidine-intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;	13505 13506
(22) Phenazocine;	13507
(23) Piminodine;	13508
(24) Racemethorphan;	13509
(25) Racemorphan;	13510
(26) Remifentanil;	13511
(27) Sufentanil.	13512

(C) Stimulants	13513
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system:	13514 13515 13516 13517 13518
(1) Amphetamine, its salts, its optical isomers, and salts of its optical isomers;	13519 13520
(2) Methamphetamine, its salts, its isomers, and salts of its isomers;	13521 13522
(3) Methylphenidate;	13523
(4) Phenmetrazine and its salts;	13524
(5) Lisdexamfetamine, its salts, isomers, and salts of its isomers.	13525 13526
(D) Depressants	13527
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	13528 13529 13530 13531 13532 13533 13534 13535
(1) Amobarbital;	13536
(2) Gamma-hydroxy-butyrate;	13537
(3) Glutethimide;	13538
(4) Pentobarbital;	13539

(5) Phencyclidine (some trade or other names: 1-(1-phenylcyclohexyl)piperidine; PCP);	13540 13541
(6) Secobarbital;	13542
(7) 1-aminophenylcyclohexane and all N-mono-substituted and/or all N-N-disubstituted analogs including, but not limited to, the following:	13543 13544 13545
(a) 1-phenylcyclohexylamine;	13546
(b) (1-phenylcyclohexyl) methylamine;	13547
(c) (1-phenylcyclohexyl) dimethylamine;	13548
(d) (1-phenylcyclohexyl) methylethylamine;	13549
(e) (1-phenylcyclohexyl) isopropylamine;	13550
(f) 1-(1-phenylcyclohexyl) morpholine.	13551
(E) Hallucinogenic substances	13552
(1) Nabilone (another name for nabilone: (+)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo[b,d]pyran-9-one).	13553 13554 13555
(F) Immediate precursors	13556
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances:	13557 13558 13559 13560
(1) Immediate precursor to amphetamine and methamphetamine:	13561 13562
(a) Phenylacetone (some trade or other names: phenyl-2-propanone; P2P; benzyl methyl ketone; methyl benzyl ketone);	13563 13564

(2) Immediate precursors to phencyclidine (PCP):	13565
(a) 1-phenylcyclohexylamine;	13566
(b) 1-piperidinocyclohexanecarbonitrile (PCC).	13567
SCHEDULE III	13568
(A) Stimulants	13569
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	13570 13571 13572 13573 13574 13575 13576 13577 13578
(1) All stimulant compounds, mixtures, and preparations included in schedule III pursuant to the federal drug abuse control laws and regulations adopted under those laws;	13579 13580 13581
(2) Benzphetamine;	13582
(3) Chlorphentermine;	13583
(4) Clortermine;	13584
(5) Phendimetrazine.	13585
(B) Depressants	13586
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a depressant effect on the central nervous system:	13587 13588 13589 13590 13591

(1) Any compound, mixture, or preparation containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs, and one or more other active medicinal ingredients that are not listed in any schedule;	13592 13593 13594 13595
(2) Any suppository dosage form containing amobarbital, secobarbital, pentobarbital, or any salt of any of these drugs and approved by the food and drug administration for marketing only as a suppository;	13596 13597 13598 13599
(3) Any substance that contains any quantity of a derivative of barbituric acid or any salt of a derivative of barbituric acid;	13600 13601 13602
(4) Chlorhexadol;	13603
(5) Ketamine, its salts, isomers, and salts of isomers (some other names for ketamine: (+/-)-2-(2-chlorophenyl)-2-(methylamino)-cyclohexanone);	13604 13605 13606
(6) Lysergic acid;	13607
(7) Lysergic acid amide;	13608
(8) Methyprylon;	13609
(9) Sulfondiethylmethane;	13610
(10) Sulfonethylmethane;	13611
(11) Sulfonmethane;	13612
(12) Tiletamine, zolazepam, or any salt of tiletamine or zolazepam (some trade or other names for a tiletamine-zolazepam combination product: Telazol); (some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone); (some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3, 4-e][1,4]-diazepin-7(1H)-	13613 13614 13615 13616 13617 13618

one; flupyrzapon).	13619
(C) Narcotic antidotes	13620
(1) Nalorphine.	13621
(D) Narcotics-narcotic preparations	13622
Unless specifically excepted under federal drug abuse	13623
control laws or unless listed in another schedule, any material,	13624
compound, mixture, or preparation that contains any of the	13625
following narcotic drugs, or their salts calculated as the free	13626
anhydrous base or alkaloid, in limited quantities as set forth	13627
below:	13628
(1) Not more than 1.8 grams of codeine per 100 milliliters	13629
or not more than 90 milligrams per dosage unit, with an equal or	13630
greater quantity of an isoquinoline alkaloid of opium;	13631
(2) Not more than 1.8 grams of codeine per 100 milliliters	13632
or not more than 90 milligrams per dosage unit, with one or more	13633
active, nonnarcotic ingredients in recognized therapeutic	13634
amounts;	13635
(3) Not more than 300 milligrams of dihydrocodeinone per	13636
100 milliliters or not more than 15 milligrams per dosage unit,	13637
with a fourfold or greater quantity of an isoquinoline alkaloid	13638
of opium;	13639
(4) Not more than 300 milligrams of dihydrocodeinone per	13640
100 milliliters or not more than 15 milligrams per dosage unit,	13641
with one or more active, nonnarcotic ingredients in recognized	13642
therapeutic amounts;	13643
(5) Not more than 1.8 grams of dihydrocodeine per 100	13644
milliliters or not more than 90 milligrams per dosage unit, with	13645
one or more active, nonnarcotic ingredients in recognized	13646

therapeutic amounts; 13647

(6) Not more than 300 milligrams of ethylmorphine per 100 13648
milliliters or not more than 15 milligrams per dosage unit, with 13649
one or more active, nonnarcotic ingredients in recognized 13650
therapeutic amounts; 13651

(7) Not more than 500 milligrams of opium per 100 13652
milliliters or per 100 grams or not more than 25 milligrams per 13653
dosage unit, with one or more active, nonnarcotic ingredients in 13654
recognized therapeutic amounts; 13655

(8) Not more than 50 milligrams of morphine per 100 13656
milliliters or per 100 grams, with one or more active, 13657
nonnarcotic ingredients in recognized therapeutic amounts. 13658

(E) Anabolic steroids 13659

Unless specifically excepted under federal drug abuse 13660
control laws or unless listed in another schedule, any material, 13661
compound, mixture, or preparation that contains any quantity of 13662
the following substances, including their salts, esters, 13663
isomers, and salts of esters and isomers, whenever the existence 13664
of these salts, esters, and isomers is possible within the 13665
specific chemical designation: 13666

(1) Anabolic steroids. Except as otherwise provided in 13667
division (E) (1) of schedule III, "anabolic steroids" means any 13668
drug or hormonal substance that is chemically and 13669
pharmacologically related to testosterone (other than estrogens, 13670
progestins, and corticosteroids) and that promotes muscle 13671
growth. "Anabolic steroids" does not include an anabolic steroid 13672
that is expressly intended for administration through implants 13673
to cattle or other nonhuman species and that has been approved 13674
by the United States secretary of health and human services for 13675

that administration, unless a person prescribes, dispenses, or	13676
distributes this type of anabolic steroid for human use.	13677
"Anabolic steroid" includes, but is not limited to, the	13678
following:	13679
(a) Boldenone;	13680
(b) Chlorotestosterone (4-chlortestosterone);	13681
(c) Clostebol;	13682
(d) Dehydrochlormethyltestosterone;	13683
(e) Dihydrotestosterone (4-dihydrotestosterone);	13684
(f) Drostanolone;	13685
(g) Ethylestrenol;	13686
(h) Fluoxymesterone;	13687
(i) Formebolone (formebolone);	13688
(j) Mesterolone;	13689
(k) Methandienone;	13690
(l) Methandranone;	13691
(m) Methandriol;	13692
(n) Methandrostenolone;	13693
(o) Methenolone;	13694
(p) Methyltestosterone;	13695
(q) Mibolerone;	13696
(r) Nandrolone;	13697
(s) Norethandrolone;	13698

(t) Oxandrolone;	13699
(u) Oxymesterone;	13700
(v) Oxymetholone;	13701
(w) Stanolone;	13702
(x) Stanozolol;	13703
(y) Testolactone;	13704
(z) Testosterone;	13705
(aa) Trenbolone;	13706
(bb) Any salt, ester, isomer, or salt of an ester or	13707
isomer of a drug or hormonal substance described or listed in	13708
division (E) (1) of schedule III if the salt, ester, or isomer	13709
promotes muscle growth.	13710
(F) Hallucinogenic substances	13711
(1) Dronabinol (synthetic) in sesame oil and encapsulated	13712
in a soft gelatin capsule in a United States food and drug	13713
administration approved drug product (some other names for	13714
dronabinol: (6aR-trans)-6a,7,8,10a-tetrahydro- 6,6,9-trimethyl-	13715
3-pentyl-6H-dibenzo[b,d]pyran-1-ol, or (-)-delta-9-(trans)-	13716
tetrahydrocannabinol).	13717
SCHEDULE IV	13718
(A) Narcotic drugs	13719
Unless specifically excepted by federal drug abuse control	13720
laws or unless listed in another schedule, any material,	13721
compound, mixture, or preparation that contains any of the	13722
following narcotic drugs, or their salts calculated as the free	13723
anhydrous base or alkaloid, in limited quantities as set forth	13724

below:	13725
(1) Not more than one milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;	13726 13727
(2) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1,2-diphenyl-3-methyl-2-propionoxybutane)[final dosage forms].	13728 13729
(B) Depressants	13730
Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances, including their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:	13731 13732 13733 13734 13735 13736 13737
(1) Alprazolam;	13738
(2) Barbital;	13739
(3) Bromazepam;	13740
(4) Camazepam;	13741
(5) Chloral betaine;	13742
(6) Chloral hydrate;	13743
(7) Chlordiazepoxide;	13744
(8) Clobazam;	13745
(9) Clonazepam;	13746
(10) Clorazepate;	13747
(11) Clotiazepam;	13748
(12) Cloxazolam;	13749

(13) Delorazepam;	13750
(14) Diazepam;	13751
(15) Estazolam;	13752
(16) Ethchlorvynol;	13753
(17) Ethinamate;	13754
(18) Ethyl loflazepate;	13755
(19) Fludiazepam;	13756
(20) Flunitrazepam;	13757
(21) Flurazepam;	13758
(22) Halazepam;	13759
(23) Haloxazolam;	13760
(24) Ketazolam;	13761
(25) Loprazolam;	13762
(26) Lorazepam;	13763
(27) Lormetazepam;	13764
(28) Mebutamate;	13765
(29) Medazepam;	13766
(30) Meprobamate;	13767
(31) Methohexital;	13768
(32) Methylphenobarbital (mephobarbital);	13769
(33) Midazolam;	13770
(34) Nimetazepam;	13771

(35) Nitrazepam;	13772
(36) Nordiazepam;	13773
(37) Oxazepam;	13774
(38) Oxazolam;	13775
(39) Paraldehyde;	13776
(40) Petrichloral;	13777
(41) Phenobarbital;	13778
(42) Pinazepam;	13779
(43) Prazepam;	13780
(44) Quazepam;	13781
(45) Temazepam;	13782
(46) Tetrazepam;	13783
(47) Triazolam;	13784
(48) Zaleplon;	13785
(49) Zolpidem.	13786
(C) Fenfluramine	13787
Any material, compound, mixture, or preparation that	13788
contains any quantity of the following substances, including	13789
their salts, their optical isomers, position isomers, or	13790
geometric isomers, and salts of these isomers, whenever the	13791
existence of these salts, isomers, and salts of isomers is	13792
possible within the specific chemical designation:	13793
(1) Fenfluramine.	13794
(D) Stimulants	13795

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, their optical isomers, position isomers, or geometric isomers, and salts of these isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+)-norpseudoephedrine);
- (2) Diethylpropion;
- (3) Fencamfamin;
- (4) Fenproporex;
- (5) Mazindol;
- (6) Mefenorex;
- (7) Modafinil;
- (8) Pemoline (including organometallic complexes and chelates thereof);
- (9) Phentermine;
- (10) Pipradrol;
- (11) Sibutramine;
- (12) SPA [(-)-1-dimethylamino-1,2-diphenylethane].
- (E) Other substances

Unless specifically excepted under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;	13849 13850
(6) Not more than 0.5 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.	13851 13852
(C) Stimulants	13853
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any material, compound, mixture, or preparation that contains any quantity of the following substances having a stimulant effect on the central nervous system, including their salts, isomers, and salts of isomers:	13854 13855 13856 13857 13858 13859
(1) Ephedrine, except as provided in division (K) of section 3719.44 of the Revised Code;	13860 13861
(2) Pyrovalerone.	13862
(D) Approved cannabidiol drugs	13863
Unless specifically exempted or excluded under federal drug abuse control laws or unless listed in another schedule, any drug product in finished dosage formulation that has been approved by the United States food and drug administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and not more than 0.1 per cent (w/w) residual tetrahydrocannabinols.	13864 13865 13866 13867 13868 13869 13870 13871
Sec. 3719.99. (A) Whoever violates section 3719.16 or 3719.161 of the Revised Code is guilty of a felony of the fifth degree. If the offender previously has been convicted of a violation of section 3719.16 or 3719.161 of the Revised Code or a drug abuse offense, a violation of section 3719.16 or 3719.161	13872 13873 13874 13875 13876

of the Revised Code is a felony of the fourth degree. If the
violation involves the sale, offer to sell, or possession of a
schedule I or II controlled substance, with the exception of
~~marihuana~~marijuana, and if the offender, as a result of the
violation, is a major drug offender, division (D) of this
section applies.

(B) Whoever violates division (C) or (D) of section
3719.172 of the Revised Code is guilty of a felony of the fifth
degree. If the offender previously has been convicted of a
violation of division (C) or (D) of section 3719.172 of the
Revised Code or a drug abuse offense, a violation of division
(C) or (D) of section 3719.172 of the Revised Code is a felony
of the fourth degree. If the violation involves the sale, offer
to sell, or possession of a schedule I or II controlled
substance, with the exception of ~~marihuana~~marijuana, and if the
offender, as a result of the violation, is a major drug
offender, division (D) of this section applies.

(C) Whoever violates section 3719.07 or 3719.08 of the
Revised Code is guilty of a misdemeanor of the first degree. If
the offender previously has been convicted of a violation of
section 3719.07 or 3719.08 of the Revised Code or a drug abuse
offense, a violation of section 3719.07 or 3719.08 of the
Revised Code is a felony of the fifth degree. If the violation
involves the sale, offer to sell, or possession of a schedule I
or II controlled substance, with the exception of
~~marihuana~~marijuana, and if the offender, as a result of the
violation, is a major drug offender, division (D) of this
section applies.

(D) (1) If an offender is convicted of or pleads guilty to
a felony violation of section 3719.07, 3719.08, 3719.16, or

3719.161 or of division (C) or (D) of section 3719.172 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of ~~marihuana~~marijuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (A), (B), or (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (B) (3) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division.

(2) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay any fine imposed for a felony violation of section 3719.07, 3719.08, 3719.16, or 3719.161 or of division (C) or (D) of section 3719.172 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of ~~division (F) of section 2925.03-~~2925.10 of the Revised Code. The agency that receives the fine shall use the fine as specified in ~~division (F) of section 2925.03-~~2925.10 of the Revised Code.

(E) Whoever violates section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code is guilty of a misdemeanor of the third degree. If the offender previously has been convicted of a violation of section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of section 3719.172 of the Revised Code or a drug abuse offense, a violation of

section 3719.05, 3719.06, 3719.13, or 3719.31 or division (B) of 13938
section 3719.172 of the Revised Code is a misdemeanor of the 13939
first degree. 13940

(F) Whoever violates section 3719.30 of the Revised Code 13941
is guilty of a misdemeanor of the fourth degree. If the offender 13942
previously has been convicted of a violation of section 3719.30 13943
of the Revised Code or a drug abuse offense, a violation of 13944
section 3719.30 of the Revised Code is a misdemeanor of the 13945
third degree. 13946

(G) Whoever violates section 3719.32 or 3719.33 of the 13947
Revised Code is guilty of a minor misdemeanor. 13948

(H) Whoever violates division (K) (2) (b) of section 3719.44 13949
of the Revised Code is guilty of a felony of the fifth degree. 13950

(I) Whoever violates division (K) (2) (c) of section 3719.44 13951
of the Revised Code is guilty of a misdemeanor of the second 13952
degree. 13953

(J) As used in this section, "major drug offender" has the 13954
same meaning as in section 2929.01 of the Revised Code. 13955

Sec. 3721.121. (A) As used in this section: 13956

(1) "Adult day-care program" means a program operated 13957
pursuant to rules adopted by the director of health under 13958
section 3721.04 of the Revised Code and provided by and on the 13959
same site as homes licensed under this chapter. 13960

(2) "Applicant" means a person who is under final 13961
consideration for employment with a home or adult day-care 13962
program in a full-time, part-time, or temporary position that 13963
involves providing direct care to an older adult. "Applicant" 13964
does not include a person who provides direct care as a 13965

volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses. 13966
13967

(3) "Community-based long-term care services provider" 13968
means a provider as defined in section 173.39 of the Revised 13969
Code. 13970

(4) "Criminal records check" has the same meaning as in 13971
section 109.572 of the Revised Code. 13972

(5) "Home" means a home as defined in section 3721.10 of 13973
the Revised Code. 13974

(6) "Older adult" means a person age sixty or older. 13975

(B) (1) Except as provided in division (I) of this section, 13976
the chief administrator of a home or adult day-care program 13977
shall request that the superintendent of the bureau of criminal 13978
identification and investigation conduct a criminal records 13979
check of each applicant. If an applicant for whom a criminal 13980
records check request is required under this division does not 13981
present proof of having been a resident of this state for the 13982
five-year period immediately prior to the date the criminal 13983
records check is requested or provide evidence that within that 13984
five-year period the superintendent has requested information 13985
about the applicant from the federal bureau of investigation in 13986
a criminal records check, the chief administrator shall request 13987
that the superintendent obtain information from the federal 13988
bureau of investigation as part of the criminal records check of 13989
the applicant. Even if an applicant for whom a criminal records 13990
check request is required under this division presents proof of 13991
having been a resident of this state for the five-year period, 13992
the chief administrator may request that the superintendent 13993
include information from the federal bureau of investigation in 13994

the criminal records check. 13995

(2) A person required by division (B) (1) of this section 13996
to request a criminal records check shall do both of the 13997
following: 13998

(a) Provide to each applicant for whom a criminal records 13999
check request is required under that division a copy of the form 14000
prescribed pursuant to division (C) (1) of section 109.572 of the 14001
Revised Code and a standard fingerprint impression sheet 14002
prescribed pursuant to division (C) (2) of that section, and 14003
obtain the completed form and impression sheet from the 14004
applicant; 14005

(b) Forward the completed form and impression sheet to the 14006
superintendent of the bureau of criminal identification and 14007
investigation. 14008

(3) An applicant provided the form and fingerprint 14009
impression sheet under division (B) (2) (a) of this section who 14010
fails to complete the form or provide fingerprint impressions 14011
shall not be employed in any position for which a criminal 14012
records check is required by this section. 14013

(C) (1) Except as provided in rules adopted by the director 14014
of health in accordance with division (F) of this section and 14015
subject to division (C) (2) of this section, no home or adult 14016
day-care program shall employ a person in a position that 14017
involves providing direct care to an older adult if the person 14018
has been convicted of or pleaded guilty to any of the following: 14019

(a) A violation of section 2903.01, 2903.02, 2903.03, 14020
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 14021
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 14022
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 14023

2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 14024
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 14025
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 14026
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.021, 2925.03, 14027
~~2925.11~~, 2925.04, 2925.041, 2925.05, 2925.13, 2925.22, 2925.23, 14028
or 3716.11 of the Revised Code. 14029

(b) A violation of an existing or former law of this 14030
state, any other state, or the United States that is 14031
substantially equivalent to any of the offenses listed in 14032
division (C) (1) (a) of this section. 14033

(2) (a) A home or an adult day-care program may employ 14034
conditionally an applicant for whom a criminal records check 14035
request is required under division (B) of this section prior to 14036
obtaining the results of a criminal records check regarding the 14037
individual, provided that the home or program shall request a 14038
criminal records check regarding the individual in accordance 14039
with division (B) (1) of this section not later than five 14040
business days after the individual begins conditional 14041
employment. In the circumstances described in division (I) (2) of 14042
this section, a home or adult day-care program may employ 14043
conditionally an applicant who has been referred to the home or 14044
adult day-care program by an employment service that supplies 14045
full-time, part-time, or temporary staff for positions involving 14046
the direct care of older adults and for whom, pursuant to that 14047
division, a criminal records check is not required under 14048
division (B) of this section. 14049

(b) A home or adult day-care program that employs an 14050
individual conditionally under authority of division (C) (2) (a) 14051
of this section shall terminate the individual's employment if 14052
the results of the criminal records check requested under 14053

division (B) of this section or described in division (I) (2) of 14054
this section, other than the results of any request for 14055
information from the federal bureau of investigation, are not 14056
obtained within the period ending thirty days after the date the 14057
request is made. Regardless of when the results of the criminal 14058
records check are obtained, if the results indicate that the 14059
individual has been convicted of or pleaded guilty to any of the 14060
offenses listed or described in division (C) (1) of this section, 14061
the home or program shall terminate the individual's employment 14062
unless the home or program chooses to employ the individual 14063
pursuant to division (F) of this section. Termination of 14064
employment under this division shall be considered just cause 14065
for discharge for purposes of division (D) (2) of section 4141.29 14066
of the Revised Code if the individual makes any attempt to 14067
deceive the home or program about the individual's criminal 14068
record. 14069

(D) (1) Each home or adult day-care program shall pay to 14070
the bureau of criminal identification and investigation the fee 14071
prescribed pursuant to division (C) (3) of section 109.572 of the 14072
Revised Code for each criminal records check conducted pursuant 14073
to a request made under division (B) of this section. 14074

(2) A home or adult day-care program may charge an 14075
applicant a fee not exceeding the amount the home or program 14076
pays under division (D) (1) of this section. A home or program 14077
may collect a fee only if both of the following apply: 14078

(a) The home or program notifies the person at the time of 14079
initial application for employment of the amount of the fee and 14080
that, unless the fee is paid, the person will not be considered 14081
for employment; 14082

(b) The medicaid program does not reimburse the home or 14083

program the fee it pays under division (D) (1) of this section. 14084

(E) The report of any criminal records check conducted 14085
pursuant to a request made under this section is not a public 14086
record for the purposes of section 149.43 of the Revised Code 14087
and shall not be made available to any person other than the 14088
following: 14089

(1) The individual who is the subject of the criminal 14090
records check or the individual's representative; 14091

(2) The chief administrator of the home or program 14092
requesting the criminal records check or the administrator's 14093
representative; 14094

(3) The administrator of any other facility, agency, or 14095
program that provides direct care to older adults that is owned 14096
or operated by the same entity that owns or operates the home or 14097
program; 14098

(4) A court, hearing officer, or other necessary 14099
individual involved in a case dealing with a denial of 14100
employment of the applicant or dealing with employment or 14101
unemployment benefits of the applicant; 14102

(5) Any person to whom the report is provided pursuant to, 14103
and in accordance with, division (I) (1) or (2) of this section; 14104

(6) The board of nursing for purposes of accepting and 14105
processing an application for a medication aide certificate 14106
issued under Chapter 4723. of the Revised Code; 14107

(7) The director of aging or the director's designee if 14108
the criminal records check is requested by the chief 14109
administrator of a home that is also a community-based long-term 14110
care services provider. 14111

(F) In accordance with section 3721.11 of the Revised Code, the director of health shall adopt rules to implement this section. The rules shall specify circumstances under which a home or adult day-care program may employ a person who has been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section but meets personal character standards set by the director.

(G) The chief administrator of a home or adult day-care program shall inform each individual, at the time of initial application for a position that involves providing direct care to an older adult, that the individual is required to provide a set of fingerprint impressions and that a criminal records check is required to be conducted if the individual comes under final consideration for employment.

(H) In a tort or other civil action for damages that is brought as the result of an injury, death, or loss to person or property caused by an individual who a home or adult day-care program employs in a position that involves providing direct care to older adults, all of the following shall apply:

(1) If the home or program employed the individual in good faith and reasonable reliance on the report of a criminal records check requested under this section, the home or program shall not be found negligent solely because of its reliance on the report, even if the information in the report is determined later to have been incomplete or inaccurate;

(2) If the home or program employed the individual in good faith on a conditional basis pursuant to division (C)(2) of this section, the home or program shall not be found negligent solely because it employed the individual prior to receiving the report of a criminal records check requested under this section;

(3) If the home or program in good faith employed the individual according to the personal character standards established in rules adopted under division (F) of this section, the home or program shall not be found negligent solely because the individual prior to being employed had been convicted of or pleaded guilty to an offense listed or described in division (C) (1) of this section.

(I)(1) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of an applicant if the applicant has been referred to the home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults and both of the following apply:

(a) The chief administrator receives from the employment service or the applicant a report of the results of a criminal records check regarding the applicant that has been conducted by the superintendent within the one-year period immediately preceding the applicant's referral;

(b) The report of the criminal records check demonstrates that the person has not been convicted of or pleaded guilty to an offense listed or described in division (C)(1) of this section, or the report demonstrates that the person has been convicted of or pleaded guilty to one or more of those offenses, but the home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program is not required to request that the superintendent of the bureau of criminal identification and investigation conduct

a criminal records check of an applicant and may employ the 14172
applicant conditionally as described in this division, if the 14173
applicant has been referred to the home or program by an 14174
employment service that supplies full-time, part-time, or 14175
temporary staff for positions involving the direct care of older 14176
adults and if the chief administrator receives from the 14177
employment service or the applicant a letter from the employment 14178
service that is on the letterhead of the employment service, 14179
dated, and signed by a supervisor or another designated official 14180
of the employment service and that states that the employment 14181
service has requested the superintendent to conduct a criminal 14182
records check regarding the applicant, that the requested 14183
criminal records check will include a determination of whether 14184
the applicant has been convicted of or pleaded guilty to any 14185
offense listed or described in division (C) (1) of this section, 14186
that, as of the date set forth on the letter, the employment 14187
service had not received the results of the criminal records 14188
check, and that, when the employment service receives the 14189
results of the criminal records check, it promptly will send a 14190
copy of the results to the home or adult day-care program. If a 14191
home or adult day-care program employs an applicant 14192
conditionally in accordance with this division, the employment 14193
service, upon its receipt of the results of the criminal records 14194
check, promptly shall send a copy of the results to the home or 14195
adult day-care program, and division (C) (2) (b) of this section 14196
applies regarding the conditional employment. 14197

Sec. 3734.44. Notwithstanding the provisions of any law to 14198
the contrary, no permit or license shall be issued or renewed by 14199
the director of environmental protection or a board of health: 14200

(A) Unless the director or the board of health finds that 14201
the applicant, in any prior performance record in the 14202

transportation, transfer, treatment, storage, or disposal of 14203
solid wastes, infectious wastes, or hazardous waste, has 14204
exhibited sufficient reliability, expertise, and competency to 14205
operate the solid waste, infectious waste, or hazardous waste 14206
facility, given the potential for harm to human health and the 14207
environment that could result from the irresponsible operation 14208
of the facility, or, if no prior record exists, that the 14209
applicant is likely to exhibit that reliability, expertise, and 14210
competence; 14211

(B) If any individual or business concern required to be 14212
listed in the disclosure statement or shown to have a beneficial 14213
interest in the business of the applicant or the permittee, 14214
other than an equity interest or debt liability, by the 14215
investigation thereof, has been convicted of any of the 14216
following crimes under the laws of this state or equivalent laws 14217
of any other jurisdiction: 14218

- (1) Murder; 14219
- (2) Kidnapping; 14220
- (3) Gambling; 14221
- (4) Robbery; 14222
- (5) Bribery; 14223
- (6) Extortion; 14224
- (7) Criminal usury; 14225
- (8) Arson; 14226
- (9) Burglary; 14227
- (10) Theft and related crimes; 14228
- (11) Forgery and fraudulent practices; 14229

(12) Fraud in the offering, sale, or purchase of securities;	14230 14231
(13) Alteration of motor vehicle identification numbers;	14232
(14) Unlawful manufacture, purchase, use, or transfer of firearms;	14233 14234
(15) Unlawful possession or use of destructive devices or explosives;	14235 14236
(16) A violation of section <u>2925.02, 2925.021, 2925.03, 2925.04, 2925.05, 2925.041, 2925.06, 2925.11, 2925.07, 2925.08, 2925.32, or 2925.37</u> or Chapter 3719. of the Revised Code, unless the violation is for possession of less than one hundred grams of marihuana <u>marijuana</u> , less than five grams of marihuana <u>marijuana</u> resin or extraction or preparation of marihuana <u>marijuana</u> resin, or less than one gram of marihuana <u>marijuana</u> resin in a liquid concentrate, liquid extract, or liquid distillate form;	14237 14238 14239 14240 14241 14242 14243 14244 14245
(17) Engaging in a pattern of corrupt activity under section 2923.32 of the Revised Code;	14246 14247
(18) A violation of the criminal provisions of Chapter 1331. of the Revised Code;	14248 14249
(19) Any violation of the criminal provisions of any federal or state environmental protection laws, rules, or regulations that is committed knowingly or recklessly, as defined in section 2901.22 of the Revised Code;	14250 14251 14252 14253
(20) A violation of any provision of Chapter 2909. of the Revised Code;	14254 14255
(21) Any offense specified in Chapter 2921. of the Revised Code.	14256 14257

(C) Notwithstanding division (B) of this section, no applicant shall be denied the issuance or renewal of a permit or license on the basis of a conviction of any individual or business concern required to be listed in the disclosure statement or shown to have a beneficial interest in the business of the applicant or the permittee, other than an equity interest or debt liability, by the investigation thereof for any of the offenses enumerated in that division as disqualification criteria if that applicant has affirmatively demonstrated rehabilitation of the individual or business concern by a preponderance of the evidence. If any such individual was convicted of any of the offenses so enumerated that are felonies, a permit shall be denied unless five years have elapsed since the individual was fully discharged from imprisonment and parole for the offense, from a community control sanction imposed under section 2929.15 of the Revised Code, from a post-release control sanction imposed under section 2967.28 of the Revised Code for the offense, or imprisonment, probation, and parole for an offense that was committed prior to July 1, 1996. In determining whether an applicant has affirmatively demonstrated rehabilitation, the director or the board of health shall request a recommendation on the matter from the attorney general and shall consider and base the determination on the following factors:

- (1) The nature and responsibilities of the position a convicted individual would hold;
- (2) The nature and seriousness of the offense;
- (3) The circumstances under which the offense occurred;
- (4) The date of the offense;

(5) The age of the individual when the offense was committed;	14287 14288
(6) Whether the offense was an isolated or repeated incident;	14289 14290
(7) Any social conditions that may have contributed to the offense;	14291 14292
(8) Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work release programs, or the recommendation of persons who have or have had the applicant under their supervision;	14293 14294 14295 14296 14297 14298
(9) In the instance of an applicant that is a business concern, rehabilitation shall be established if the applicant has implemented formal management controls to minimize and prevent the occurrence of violations and activities that will or may result in permit or license denial or revocation or if the applicant has formalized those controls as a result of a revocation or denial of a permit or license. Those controls may include, but are not limited to, instituting environmental auditing programs to help ensure the adequacy of internal systems to achieve, maintain, and monitor compliance with applicable environmental laws and standards or instituting an antitrust compliance auditing program to help ensure full compliance with applicable antitrust laws. The business concern shall prove by a preponderance of the evidence that the management controls are effective in preventing the violations that are the subject of concern.	14299 14300 14301 14302 14303 14304 14305 14306 14307 14308 14309 14310 14311 14312 14313 14314
(D) Unless the director or the board of health finds that	14315

the applicant has a history of compliance with environmental 14316
laws in this state and other jurisdictions and is presently in 14317
substantial compliance with, or on a legally enforceable 14318
schedule that will result in compliance with, environmental laws 14319
in this state and other jurisdictions; 14320

(E) With respect to the approval of a permit, if the 14321
director determines that current prosecutions or pending charges 14322
in any jurisdiction for any of the offenses enumerated in 14323
division (B) of this section against any individual or business 14324
concern required to be listed in the disclosure statement or 14325
shown by the investigation to have a beneficial interest in the 14326
business of the applicant other than an equity interest or debt 14327
liability are of such magnitude that they prevent making the 14328
finding required under division (A) of this section, provided 14329
that at the request of the applicant or the individual or 14330
business concern charged, the director shall defer decision upon 14331
the application during the pendency of the charge. 14332

Sec. 3745.13. (A) When emergency action is required to 14333
protect the public health or safety or the environment, any 14334
person responsible for causing or allowing an unauthorized 14335
spill, release, or discharge of material into or upon the 14336
environment or responsible for the operation of an illegal 14337
methamphetamine manufacturing laboratory that has caused 14338
contamination of the environment is liable to the municipal 14339
corporation, county, township, countywide emergency management 14340
agency established under section 5502.26 of the Revised Code, 14341
regional authority for emergency management established under 14342
section 5502.27 of the Revised Code, or emergency management 14343
program established by a political subdivision under section 14344
5502.271 of the Revised Code, having territorial jurisdiction, 14345
or responsibility for emergency management activities in the 14346

location of the spill, release, discharge, or contamination, for 14347
the necessary and reasonable, additional or extraordinary costs 14348
it incurs in investigating, mitigating, minimizing, removing, or 14349
abating the spill, release, discharge, or contamination, in the 14350
course of its emergency action, but, to the extent criteria and 14351
methods for response actions prescribed under 40 C.F.R. 300, as 14352
amended, may be applied to the type of material involved and the 14353
conditions of the spill, release, discharge, or contamination, 14354
that person is liable for those costs only if the political 14355
subdivision, countywide agency, or regional authority employed 14356
those criteria and methods in its emergency action. 14357

The officers of the municipal corporation, county, 14358
township, countywide emergency management agency, or regional 14359
authority for emergency management performing the emergency 14360
action shall keep a detailed record of its costs for 14361
investigating, mitigating, minimizing, removing, or abating the 14362
unauthorized spill, release, discharge, or contamination; 14363
promptly after the completion of those measures, shall certify 14364
those costs to the city director of law or village solicitor, as 14365
appropriate, of the municipal corporation, the prosecuting 14366
attorney of the county in the case of a county, township, or 14367
countywide emergency management agency, or the legal counsel 14368
retained thereby in the case of a regional authority for 14369
emergency management; and may request that the legal officer or 14370
counsel bring a civil action for recovery of costs against the 14371
person responsible for the unauthorized spill, release, or 14372
discharge or responsible for the operation of the illegal 14373
methamphetamine manufacturing laboratory that caused 14374
contamination of the environment. If the officers request that 14375
the legal officer or counsel bring such a civil action regarding 14376
emergency action taken in relation to the operation of an 14377

illegal methamphetamine manufacturing laboratory that has caused 14378
contamination of the environment, the legal officer or counsel 14379
also may pursue a forfeiture proceeding against the responsible 14380
person under Chapter 2981. of the Revised Code, or in any other 14381
manner authorized by law. 14382

The legal officer or counsel shall submit a written, 14383
itemized claim for the total certified costs incurred by the 14384
municipal corporation, county, township, countywide agency, or 14385
regional authority for the emergency action to the responsible 14386
party and a written demand that those costs be paid to the 14387
political subdivision, countywide agency, or regional authority. 14388
Not less than thirty days before bringing a civil action for 14389
recovery of those costs, the legal officer or counsel shall mail 14390
written notice to the responsible party informing the 14391
responsible party that, unless the total certified costs are 14392
paid to the political subdivision, countywide agency, or 14393
regional authority within thirty days after the date of mailing 14394
of the notice, the legal officer or counsel will bring a civil 14395
action for that amount. Except for emergency action taken in 14396
relation to the operation of an illegal methamphetamine 14397
manufacturing laboratory that has caused contamination of the 14398
environment, in making a determination of an award for 14399
reimbursement, the responsible party's status as a taxpayer to 14400
the governmental entity shall be taken into consideration. 14401
Nothing in this section prevents a political subdivision, 14402
countywide emergency management agency, or regional authority 14403
for emergency management from entering into a settlement of a 14404
claim against a responsible party that compromises the amount of 14405
the claim. Moneys recovered as described in this section shall 14406
be credited to the appropriate funds of the political 14407
subdivision, countywide agency, or regional authority from which 14408

moneys were expended in performing the emergency action.	14409
(B) As used in this section:	14410
(1) "Methamphetamine" means methamphetamine, any salt,	14411
isomer, or salt of an isomer of methamphetamine, or any	14412
compound, mixture, preparation, or substance containing	14413
methamphetamine or any salt, isomer, or salt of an isomer of	14414
methamphetamine.	14415
(2) "Illegal methamphetamine manufacturing laboratory"	14416
means any laboratory or other premises that is used for the	14417
manufacture or production of methamphetamine in violation of	14418
section 2925.04 <u>2925.06</u> of the Revised Code, whether or not	14419
there has been a prior conviction of that violation.	14420
Sec. 3767.01. As used in all sections of the Revised Code	14421
relating to nuisances:	14422
(A) "Place" includes any building, erection, or place or	14423
any separate part or portion thereof or the ground itself;	14424
(B) "Person" includes any individual, corporation,	14425
association, partnership, trustee, lessee, agent, or assignee;	14426
(C) "Nuisance" means any of the following:	14427
(1) That which is defined and declared by statutes to be a	14428
nuisance;	14429
(2) Any place in or upon which lewdness, assignation, or	14430
prostitution is conducted, permitted, continued, or exists, or	14431
any place, in or upon which lewd, indecent, lascivious, or	14432
obscene films or plate negatives, film or plate positives, films	14433
designed to be projected on a screen for exhibition films, or	14434
glass slides either in negative or positive form designed for	14435
exhibition by projection on a screen, are photographed,	14436

manufactured, developed, screened, exhibited, or otherwise 14437
prepared or shown, and the personal property and contents used 14438
in conducting and maintaining any such place for any such 14439
purpose. This chapter shall not affect any newspaper, magazine, 14440
or other publication entered as second class matter by the post- 14441
office department. 14442

(3) Any room, house, building, boat, vehicle, structure, 14443
or place where beer or intoxicating liquor is manufactured, 14444
sold, bartered, possessed, or kept in violation of law and all 14445
property kept and used in maintaining the same, and all property 14446
designed for the unlawful manufacture of beer or intoxicating 14447
liquor and beer or intoxicating liquor contained in the room, 14448
house, building, boat, structure, or place, or the operation of 14449
such a room, house, building, boat, structure, or place as 14450
described in division (C) (3) of this section where the operation 14451
of that place substantially interferes with public decency, 14452
sobriety, peace, and good order. "Violation of law" includes, 14453
but is not limited to, sales to any person under the legal 14454
drinking age as prohibited in division (A) of section 4301.22 or 14455
division (A) of section 4301.69 of the Revised Code and any 14456
violation of section 2913.46, 2925.02, 2925.021, or 2925.03 of 14457
the Revised Code. 14458

Sec. 3796.01. (A) As used in this chapter: 14459

(1) "Marijuana" ~~means marihuana~~ has the same meaning as 14460
~~defined~~ in section 3719.01 of the Revised Code. 14461

(2) "Medical marijuana" means marijuana that is 14462
cultivated, processed, dispensed, tested, possessed, or used for 14463
a medical purpose. 14464

(3) "Academic medical center" has the same meaning as in 14465

section 4731.297 of the Revised Code.	14466
(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.	14467 14468 14469
(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.	14470 14471 14472
(6) "Qualifying medical condition" means any of the following:	14473 14474
(a) Acquired immune deficiency syndrome;	14475
(b) Alzheimer's disease;	14476
(c) Amyotrophic lateral sclerosis;	14477
(d) Cancer;	14478
(e) Chronic traumatic encephalopathy;	14479
(f) Crohn's disease;	14480
(g) Epilepsy or another seizure disorder;	14481
(h) Fibromyalgia;	14482
(i) Glaucoma;	14483
(j) Hepatitis C;	14484
(k) Inflammatory bowel disease;	14485
(l) Multiple sclerosis;	14486
(m) Pain that is either of the following:	14487
(i) Chronic and severe;	14488
(ii) Intractable.	14489

(n) Parkinson's disease;	14490
(o) Positive status for HIV;	14491
(p) Post-traumatic stress disorder;	14492
(q) Sickle cell anemia;	14493
(r) Spinal cord disease or injury;	14494
(s) Tourette's syndrome;	14495
(t) Traumatic brain injury;	14496
(u) Ulcerative colitis;	14497
(v) Any other disease or condition added by the state medical board under section 4731.302 of the Revised Code.	14498 14499
(7) "State university" has the same meaning as in section 3345.011 of the Revised Code.	14500 14501
(B) Notwithstanding section 3719.41 of the Revised Code, for purposes of this chapter, medical marijuana is a schedule II controlled substance.	14502 14503 14504
Sec. 3796.27. (A) As used in this section:	14505
(1) "Financial institution" means any of the following:	14506
(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;	14507 14508 14509 14510
(b) Any money transmitter licensed under sections 1315.01 to 1315.18 of the Revised Code or any affiliate, agent, or employee of such a licensee.	14511 14512 14513
(2) "Financial services" means services that a financial	14514

institution is authorized to provide under Title XI, sections 14515
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 14516
applicable. 14517

(B) A financial institution that provides financial 14518
services to any cultivator, processor, retail dispensary, or 14519
laboratory licensed under this chapter shall be exempt from any 14520
criminal law of this state an element of which may be proven by 14521
substantiating that a person provides financial services to a 14522
person who possesses, delivers, or manufactures marijuana or 14523
marijuana derived products, including section ~~2925.05~~2925.07 of 14524
the Revised Code and sections 2923.01 and 2923.03 of the Revised 14525
Code as those sections apply to violations of Chapter 2925. of 14526
the Revised Code, if the cultivator, processor, retail 14527
dispensary, or laboratory is in compliance with this chapter and 14528
the applicable tax laws of this state. 14529

(C) (1) Notwithstanding section 149.43 of the Revised Code 14530
or any other public records law to the contrary, upon the 14531
request of a financial institution, the department of commerce 14532
or state board of pharmacy shall provide to the financial 14533
institution all of the following information: 14534

(a) Whether a person with whom the financial institution 14535
is seeking to do business is a cultivator, processor, retail 14536
dispensary, or laboratory licensed under this chapter; 14537

(b) The name of any other business or individual 14538
affiliated with the person; 14539

(c) An unredacted copy of the application for a license 14540
under this chapter, and any supporting documentation, that was 14541
submitted by the person; 14542

(d) If applicable, information relating to sales and 14543

volume of product sold by the person;	14544
(e) Whether the person is in compliance with this chapter;	14545
(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation.	14546 14547 14548
(2) The department or board may charge a financial institution a reasonable fee to cover the administrative cost of providing the information.	14549 14550 14551
(D) Information received by a financial institution under division (C) of this section is confidential. Except as otherwise permitted by other state law or federal law, a financial institution shall not make the information available to any person other than the customer to whom the information applies and any trustee, conservator, guardian, personal representative, or agent of that customer.	14552 14553 14554 14555 14556 14557 14558
Sec. 4112.02. It shall be an unlawful discriminatory practice:	14559 14560
(A) For any employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment.	14561 14562 14563 14564 14565 14566 14567
(B) For an employment agency or personnel placement service, because of race, color, religion, sex, military status, national origin, disability, age, or ancestry, to do any of the following:	14568 14569 14570 14571

(1) Refuse or fail to accept, register, classify properly,	14572
or refer for employment, or otherwise discriminate against any	14573
person;	14574
(2) Comply with a request from an employer for referral of	14575
applicants for employment if the request directly or indirectly	14576
indicates that the employer fails to comply with the provisions	14577
of sections 4112.01 to 4112.07 of the Revised Code.	14578
(C) For any labor organization to do any of the following:	14579
(1) Limit or classify its membership on the basis of race,	14580
color, religion, sex, military status, national origin,	14581
disability, age, or ancestry;	14582
(2) Discriminate against, limit the employment	14583
opportunities of, or otherwise adversely affect the employment	14584
status, wages, hours, or employment conditions of any person as	14585
an employee because of race, color, religion, sex, military	14586
status, national origin, disability, age, or ancestry.	14587
(D) For any employer, labor organization, or joint labor-	14588
management committee controlling apprentice training programs to	14589
discriminate against any person because of race, color,	14590
religion, sex, military status, national origin, disability, or	14591
ancestry in admission to, or employment in, any program	14592
established to provide apprentice training.	14593
(E) Except where based on a bona fide occupational	14594
qualification certified in advance by the commission, for any	14595
employer, employment agency, personnel placement service, or	14596
labor organization, prior to employment or admission to	14597
membership, to do any of the following:	14598
(1) Elicit or attempt to elicit any information concerning	14599
the race, color, religion, sex, military status, national	14600

origin, disability, age, or ancestry of an applicant for 14601
employment or membership; 14602

(2) Make or keep a record of the race, color, religion, 14603
sex, military status, national origin, disability, age, or 14604
ancestry of any applicant for employment or membership; 14605

(3) Use any form of application for employment, or 14606
personnel or membership blank, seeking to elicit information 14607
regarding race, color, religion, sex, military status, national 14608
origin, disability, age, or ancestry; but an employer holding a 14609
contract containing a nondiscrimination clause with the 14610
government of the United States, or any department or agency of 14611
that government, may require an employee or applicant for 14612
employment to furnish documentary proof of United States 14613
citizenship and may retain that proof in the employer's 14614
personnel records and may use photographic or fingerprint 14615
identification for security purposes; 14616

(4) Print or publish or cause to be printed or published 14617
any notice or advertisement relating to employment or membership 14618
indicating any preference, limitation, specification, or 14619
discrimination, based upon race, color, religion, sex, military 14620
status, national origin, disability, age, or ancestry; 14621

(5) Announce or follow a policy of denying or limiting, 14622
through a quota system or otherwise, employment or membership 14623
opportunities of any group because of the race, color, religion, 14624
sex, military status, national origin, disability, age, or 14625
ancestry of that group; 14626

(6) Utilize in the recruitment or hiring of persons any 14627
employment agency, personnel placement service, training school 14628
or center, labor organization, or any other employee-referring 14629

source known to discriminate against persons because of their 14630
race, color, religion, sex, military status, national origin, 14631
disability, age, or ancestry. 14632

(F) For any person seeking employment to publish or cause 14633
to be published any advertisement that specifies or in any 14634
manner indicates that person's race, color, religion, sex, 14635
military status, national origin, disability, age, or ancestry, 14636
or expresses a limitation or preference as to the race, color, 14637
religion, sex, military status, national origin, disability, 14638
age, or ancestry of any prospective employer. 14639

(G) For any proprietor or any employee, keeper, or manager 14640
of a place of public accommodation to deny to any person, except 14641
for reasons applicable alike to all persons regardless of race, 14642
color, religion, sex, military status, national origin, 14643
disability, age, or ancestry, the full enjoyment of the 14644
accommodations, advantages, facilities, or privileges of the 14645
place of public accommodation. 14646

(H) Subject to section 4112.024 of the Revised Code, for 14647
any person to do any of the following: 14648

(1) Refuse to sell, transfer, assign, rent, lease, 14649
sublease, or finance housing accommodations, refuse to negotiate 14650
for the sale or rental of housing accommodations, or otherwise 14651
deny or make unavailable housing accommodations because of race, 14652
color, religion, sex, military status, familial status, 14653
ancestry, disability, or national origin; 14654

(2) Represent to any person that housing accommodations 14655
are not available for inspection, sale, or rental, when in fact 14656
they are available, because of race, color, religion, sex, 14657
military status, familial status, ancestry, disability, or 14658

national origin; 14659

(3) Discriminate against any person in the making or 14660
purchasing of loans or the provision of other financial 14661
assistance for the acquisition, construction, rehabilitation, 14662
repair, or maintenance of housing accommodations, or any person 14663
in the making or purchasing of loans or the provision of other 14664
financial assistance that is secured by residential real estate, 14665
because of race, color, religion, sex, military status, familial 14666
status, ancestry, disability, or national origin or because of 14667
the racial composition of the neighborhood in which the housing 14668
accommodations are located, provided that the person, whether an 14669
individual, corporation, or association of any type, lends money 14670
as one of the principal aspects or incident to the person's 14671
principal business and not only as a part of the purchase price 14672
of an owner-occupied residence the person is selling nor merely 14673
casually or occasionally to a relative or friend; 14674

(4) Discriminate against any person in the terms or 14675
conditions of selling, transferring, assigning, renting, 14676
leasing, or subleasing any housing accommodations or in 14677
furnishing facilities, services, or privileges in connection 14678
with the ownership, occupancy, or use of any housing 14679
accommodations, including the sale of fire, extended coverage, 14680
or homeowners insurance, because of race, color, religion, sex, 14681
military status, familial status, ancestry, disability, or 14682
national origin or because of the racial composition of the 14683
neighborhood in which the housing accommodations are located; 14684

(5) Discriminate against any person in the terms or 14685
conditions of any loan of money, whether or not secured by 14686
mortgage or otherwise, for the acquisition, construction, 14687
rehabilitation, repair, or maintenance of housing accommodations 14688

because of race, color, religion, sex, military status, familial status, ancestry, disability, or national origin or because of the racial composition of the neighborhood in which the housing accommodations are located;

(6) Refuse to consider without prejudice the combined income of both husband and wife for the purpose of extending mortgage credit to a married couple or either member of a married couple;

(7) Print, publish, or circulate any statement or advertisement, or make or cause to be made any statement or advertisement, relating to the sale, transfer, assignment, rental, lease, sublease, or acquisition of any housing accommodations, or relating to the loan of money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations, that indicates any preference, limitation, specification, or discrimination based upon race, color, religion, sex, military status, familial status, ancestry, disability, or national origin, or an intention to make any such preference, limitation, specification, or discrimination;

(8) Except as otherwise provided in division (H) (8) or (17) of this section, make any inquiry, elicit any information, make or keep any record, or use any form of application containing questions or entries concerning race, color, religion, sex, military status, familial status, ancestry, disability, or national origin in connection with the sale or lease of any housing accommodations or the loan of any money, whether or not secured by mortgage or otherwise, for the acquisition, construction, rehabilitation, repair, or maintenance of housing accommodations. Any person may make

inquiries, and make and keep records, concerning race, color, 14719
religion, sex, military status, familial status, ancestry, 14720
disability, or national origin for the purpose of monitoring 14721
compliance with this chapter. 14722

(9) Include in any transfer, rental, or lease of housing 14723
accommodations any restrictive covenant, or honor or exercise, 14724
or attempt to honor or exercise, any restrictive covenant; 14725

(10) Induce or solicit, or attempt to induce or solicit, a 14726
housing accommodations listing, sale, or transaction by 14727
representing that a change has occurred or may occur with 14728
respect to the racial, religious, sexual, military status, 14729
familial status, or ethnic composition of the block, 14730
neighborhood, or other area in which the housing accommodations 14731
are located, or induce or solicit, or attempt to induce or 14732
solicit, a housing accommodations listing, sale, or transaction 14733
by representing that the presence or anticipated presence of 14734
persons of any race, color, religion, sex, military status, 14735
familial status, ancestry, disability, or national origin, in 14736
the block, neighborhood, or other area will or may have results 14737
including, but not limited to, the following: 14738

(a) The lowering of property values; 14739

(b) A change in the racial, religious, sexual, military 14740
status, familial status, or ethnic composition of the block, 14741
neighborhood, or other area; 14742

(c) An increase in criminal or antisocial behavior in the 14743
block, neighborhood, or other area; 14744

(d) A decline in the quality of the schools serving the 14745
block, neighborhood, or other area. 14746

(11) Deny any person access to or membership or 14747

participation in any multiple-listing service, real estate 14748
brokers' organization, or other service, organization, or 14749
facility relating to the business of selling or renting housing 14750
accommodations, or discriminate against any person in the terms 14751
or conditions of that access, membership, or participation, on 14752
account of race, color, religion, sex, military status, familial 14753
status, national origin, disability, or ancestry; 14754

(12) Coerce, intimidate, threaten, or interfere with any 14755
person in the exercise or enjoyment of, or on account of that 14756
person's having exercised or enjoyed or having aided or 14757
encouraged any other person in the exercise or enjoyment of, any 14758
right granted or protected by division (H) of this section; 14759

(13) Discourage or attempt to discourage the purchase by a 14760
prospective purchaser of housing accommodations, by representing 14761
that any block, neighborhood, or other area has undergone or 14762
might undergo a change with respect to its religious, racial, 14763
sexual, military status, familial status, or ethnic composition; 14764

(14) Refuse to sell, transfer, assign, rent, lease, 14765
sublease, or finance, or otherwise deny or withhold, a burial 14766
lot from any person because of the race, color, sex, military 14767
status, familial status, age, ancestry, disability, or national 14768
origin of any prospective owner or user of the lot; 14769

(15) Discriminate in the sale or rental of, or otherwise 14770
make unavailable or deny, housing accommodations to any buyer or 14771
renter because of a disability of any of the following: 14772

(a) The buyer or renter; 14773

(b) A person residing in or intending to reside in the 14774
housing accommodations after they are sold, rented, or made 14775
available; 14776

(c) Any individual associated with the person described in division (H) (15) (b) of this section.	14777 14778
(16) Discriminate in the terms, conditions, or privileges of the sale or rental of housing accommodations to any person or in the provision of services or facilities to any person in connection with the housing accommodations because of a disability of any of the following:	14779 14780 14781 14782 14783
(a) That person;	14784
(b) A person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available;	14785 14786 14787
(c) Any individual associated with the person described in division (H) (16) (b) of this section.	14788 14789
(17) Except as otherwise provided in division (H) (17) of this section, make an inquiry to determine whether an applicant for the sale or rental of housing accommodations, a person residing in or intending to reside in the housing accommodations after they are sold, rented, or made available, or any individual associated with that person has a disability, or make an inquiry to determine the nature or severity of a disability of the applicant or such a person or individual. The following inquiries may be made of all applicants for the sale or rental of housing accommodations, regardless of whether they have disabilities:	14790 14791 14792 14793 14794 14795 14796 14797 14798 14799 14800
(a) An inquiry into an applicant's ability to meet the requirements of ownership or tenancy;	14801 14802
(b) An inquiry to determine whether an applicant is qualified for housing accommodations available only to persons with disabilities or persons with a particular type of	14803 14804 14805

disability; 14806

(c) An inquiry to determine whether an applicant is 14807
qualified for a priority available to persons with disabilities 14808
or persons with a particular type of disability; 14809

(d) An inquiry to determine whether an applicant currently 14810
uses a controlled substance in violation of section ~~2925.11~~ 14811
2925.04 or 2925.041 of the Revised Code or a substantively 14812
comparable municipal ordinance; 14813

(e) An inquiry to determine whether an applicant at any 14814
time has been convicted of or pleaded guilty to any offense, an 14815
element of which is the illegal sale, offer to sell, 14816
cultivation, manufacture, other production, shipment, 14817
transportation, delivery, or other distribution of a controlled 14818
substance. 14819

(18) (a) Refuse to permit, at the expense of a person with 14820
a disability, reasonable modifications of existing housing 14821
accommodations that are occupied or to be occupied by the person 14822
with a disability, if the modifications may be necessary to 14823
afford the person with a disability full enjoyment of the 14824
housing accommodations. This division does not preclude a 14825
landlord of housing accommodations that are rented or to be 14826
rented to a disabled tenant from conditioning permission for a 14827
proposed modification upon the disabled tenant's doing one or 14828
more of the following: 14829

(i) Providing a reasonable description of the proposed 14830
modification and reasonable assurances that the proposed 14831
modification will be made in a workerlike manner and that any 14832
required building permits will be obtained prior to the 14833
commencement of the proposed modification; 14834

(ii) Agreeing to restore at the end of the tenancy the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if it is reasonable for the landlord to condition permission for the proposed modification upon the agreement;

(iii) Paying into an interest-bearing escrow account that is in the landlord's name, over a reasonable period of time, a reasonable amount of money not to exceed the projected costs at the end of the tenancy of the restoration of the interior of the housing accommodations to the condition they were in prior to the proposed modification, but subject to reasonable wear and tear during the period of occupancy, if the landlord finds the account reasonably necessary to ensure the availability of funds for the restoration work. The interest earned in connection with an escrow account described in this division shall accrue to the benefit of the disabled tenant who makes payments into the account.

(b) A landlord shall not condition permission for a proposed modification upon a disabled tenant's payment of a security deposit that exceeds the customarily required security deposit of all tenants of the particular housing accommodations.

(19) Refuse to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including associated public and common use areas;

(20) Fail to comply with the standards and rules adopted under division (A) of section 3781.111 of the Revised Code;

(21) Discriminate against any person in the selling,

brokering, or appraising of real property because of race, 14864
color, religion, sex, military status, familial status, 14865
ancestry, disability, or national origin; 14866

(22) Fail to design and construct covered multifamily 14867
dwellings for first occupancy on or after June 30, 1992, in 14868
accordance with the following conditions: 14869

(a) The dwellings shall have at least one building 14870
entrance on an accessible route, unless it is impractical to do 14871
so because of the terrain or unusual characteristics of the 14872
site. 14873

(b) With respect to dwellings that have a building 14874
entrance on an accessible route, all of the following apply: 14875

(i) The public use areas and common use areas of the 14876
dwellings shall be readily accessible to and usable by persons 14877
with a disability. 14878

(ii) All the doors designed to allow passage into and 14879
within all premises shall be sufficiently wide to allow passage 14880
by persons with a disability who are in wheelchairs. 14881

(iii) All premises within covered multifamily dwelling 14882
units shall contain an accessible route into and through the 14883
dwelling; all light switches, electrical outlets, thermostats, 14884
and other environmental controls within such units shall be in 14885
accessible locations; the bathroom walls within such units shall 14886
contain reinforcements to allow later installation of grab bars; 14887
and the kitchens and bathrooms within such units shall be 14888
designed and constructed in a manner that enables an individual 14889
in a wheelchair to maneuver about such rooms. 14890

For purposes of division (H) (22) of this section, "covered 14891
multifamily dwellings" means buildings consisting of four or 14892

more units if such buildings have one or more elevators and 14893
ground floor units in other buildings consisting of four or more 14894
units. 14895

(I) For any person to discriminate in any manner against 14896
any other person because that person has opposed any unlawful 14897
discriminatory practice defined in this section or because that 14898
person has made a charge, testified, assisted, or participated 14899
in any manner in any investigation, proceeding, or hearing under 14900
sections 4112.01 to 4112.07 of the Revised Code. 14901

(J) For any person to aid, abet, incite, compel, or coerce 14902
the doing of any act declared by this section to be an unlawful 14903
discriminatory practice, to obstruct or prevent any person from 14904
complying with this chapter or any order issued under it, or to 14905
attempt directly or indirectly to commit any act declared by 14906
this section to be an unlawful discriminatory practice. 14907

(K) Nothing in divisions (A) to (E) of this section shall 14908
be construed to require a person with a disability to be 14909
employed or trained under circumstances that would significantly 14910
increase the occupational hazards affecting either the person 14911
with a disability, other employees, the general public, or the 14912
facilities in which the work is to be performed, or to require 14913
the employment or training of a person with a disability in a 14914
job that requires the person with a disability routinely to 14915
undertake any task, the performance of which is substantially 14916
and inherently impaired by the person's disability. 14917

(L) An aggrieved individual may enforce the individual's 14918
rights relative to discrimination on the basis of age as 14919
provided for in this section by instituting a civil action, 14920
within one hundred eighty days after the alleged unlawful 14921
discriminatory practice occurred, in any court with jurisdiction 14922

for any legal or equitable relief that will effectuate the individual's rights.

A person who files a civil action under this division is barred, with respect to the practices complained of, from instituting a civil action under section 4112.14 of the Revised Code and from filing a charge with the commission under section 4112.05 of the Revised Code.

(M) With regard to age, it shall not be an unlawful discriminatory practice and it shall not constitute a violation of division (A) of section 4112.14 of the Revised Code for any employer, employment agency, joint labor-management committee controlling apprenticeship training programs, or labor organization to do any of the following:

(1) Establish bona fide employment qualifications reasonably related to the particular business or occupation that may include standards for skill, aptitude, physical capability, intelligence, education, maturation, and experience;

(2) Observe the terms of a bona fide seniority system or any bona fide employee benefit plan, including, but not limited to, a retirement, pension, or insurance plan, that is not a subterfuge to evade the purposes of this section. However, no such employee benefit plan shall excuse the failure to hire any individual, and no such seniority system or employee benefit plan shall require or permit the involuntary retirement of any individual, because of the individual's age except as provided for in the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 623, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 623, as amended.

(3) Retire an employee who has attained sixty-five years of age who, for the two-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of those plans, of the employer of the employee, which equals, in the aggregate, at least forty-four thousand dollars, in accordance with the conditions of the "Age Discrimination in Employment Act Amendment of 1978," 92 Stat. 189, 29 U.S.C.A. 631, as amended by the "Age Discrimination in Employment Act Amendments of 1986," 100 Stat. 3342, 29 U.S.C.A. 631, as amended;

(4) Observe the terms of any bona fide apprenticeship program if the program is registered with the Ohio apprenticeship council pursuant to sections 4139.01 to 4139.06 of the Revised Code and is approved by the federal committee on apprenticeship of the United States department of labor.

(N) Nothing in this chapter prohibiting age discrimination and nothing in division (A) of section 4112.14 of the Revised Code shall be construed to prohibit the following:

(1) The designation of uniform age the attainment of which is necessary for public employees to receive pension or other retirement benefits pursuant to Chapter 145., 742., 3307., 3309., or 5505. of the Revised Code;

(2) The mandatory retirement of uniformed patrol officers of the state highway patrol as provided in section 5505.16 of the Revised Code;

(3) The maximum age requirements for appointment as a

patrol officer in the state highway patrol established by 14981
section 5503.01 of the Revised Code; 14982

(4) The maximum age requirements established for original 14983
appointment to a police department or fire department in 14984
sections 124.41 and 124.42 of the Revised Code; 14985

(5) Any maximum age not in conflict with federal law that 14986
may be established by a municipal charter, municipal ordinance, 14987
or resolution of a board of township trustees for original 14988
appointment as a police officer or firefighter; 14989

(6) Any mandatory retirement provision not in conflict 14990
with federal law of a municipal charter, municipal ordinance, or 14991
resolution of a board of township trustees pertaining to police 14992
officers and firefighters; 14993

(7) Until January 1, 1994, the mandatory retirement of any 14994
employee who has attained seventy years of age and who is 14995
serving under a contract of unlimited tenure, or similar 14996
arrangement providing for unlimited tenure, at an institution of 14997
higher education as defined in the "Education Amendments of 14998
1980," 94 Stat. 1503, 20 U.S.C.A. 1141(a). 14999

(O) (1) (a) Except as provided in division (O) (1) (b) of this 15000
section, for purposes of divisions (A) to (E) of this section, a 15001
disability does not include any physiological disorder or 15002
condition, mental or psychological disorder, or disease or 15003
condition caused by an illegal use of any controlled substance 15004
by an employee, applicant, or other person, if an employer, 15005
employment agency, personnel placement service, labor 15006
organization, or joint labor-management committee acts on the 15007
basis of that illegal use. 15008

(b) Division (O) (1) (a) of this section does not apply to 15009

an employee, applicant, or other person who satisfies any of the following: 15010
15011

(i) The employee, applicant, or other person has 15012
successfully completed a supervised drug rehabilitation program 15013
and no longer is engaging in the illegal use of any controlled 15014
substance, or the employee, applicant, or other person otherwise 15015
successfully has been rehabilitated and no longer is engaging in 15016
that illegal use. 15017

(ii) The employee, applicant, or other person is 15018
participating in a supervised drug rehabilitation program and no 15019
longer is engaging in the illegal use of any controlled 15020
substance. 15021

(iii) The employee, applicant, or other person is 15022
erroneously regarded as engaging in the illegal use of any 15023
controlled substance, but the employee, applicant, or other 15024
person is not engaging in that illegal use. 15025

(2) Divisions (A) to (E) of this section do not prohibit 15026
an employer, employment agency, personnel placement service, 15027
labor organization, or joint labor-management committee from 15028
doing any of the following: 15029

(a) Adopting or administering reasonable policies or 15030
procedures, including, but not limited to, testing for the 15031
illegal use of any controlled substance, that are designed to 15032
ensure that an individual described in division (0) (1) (b) (i) or 15033
(ii) of this section no longer is engaging in the illegal use of 15034
any controlled substance; 15035

(b) Prohibiting the illegal use of controlled substances 15036
and the use of alcohol at the workplace by all employees; 15037

(c) Requiring that employees not be under the influence of 15038

alcohol or not be engaged in the illegal use of any controlled substance at the workplace; 15039
15040

(d) Requiring that employees behave in conformance with the requirements established under "The Drug-Free Workplace Act of 1988," 102 Stat. 4304, 41 U.S.C.A. 701, as amended; 15041
15042
15043

(e) Holding an employee who engages in the illegal use of any controlled substance or who is an alcoholic to the same qualification standards for employment or job performance, and the same behavior, to which the employer, employment agency, personnel placement service, labor organization, or joint labor-management committee holds other employees, even if any unsatisfactory performance or behavior is related to an employee's illegal use of a controlled substance or alcoholism; 15044
15045
15046
15047
15048
15049
15050
15051

(f) Exercising other authority recognized in the "Americans with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, including, but not limited to, requiring employees to comply with any applicable federal standards. 15052
15053
15054
15055
15056

(3) For purposes of this chapter, a test to determine the illegal use of any controlled substance does not include a medical examination. 15057
15058
15059

(4) Division (O) of this section does not encourage, prohibit, or authorize, and shall not be construed as encouraging, prohibiting, or authorizing, the conduct of testing for the illegal use of any controlled substance by employees, applicants, or other persons, or the making of employment decisions based on the results of that type of testing. 15060
15061
15062
15063
15064
15065

(P) This section does not apply to a religious corporation, association, educational institution, or society 15066
15067

with respect to the employment of an individual of a particular 15068
religion to perform work connected with the carrying on by that 15069
religious corporation, association, educational institution, or 15070
society of its activities. 15071

The unlawful discriminatory practices defined in this 15072
section do not make it unlawful for a person or an appointing 15073
authority administering an examination under section 124.23 of 15074
the Revised Code to obtain information about an applicant's 15075
military status for the purpose of determining if the applicant 15076
is eligible for the additional credit that is available under 15077
that section. 15078

Sec. 4123.54. (A) Except as otherwise provided in this 15079
division or divisions (I) and (K) of this section, every 15080
employee, who is injured or who contracts an occupational 15081
disease, and the dependents of each employee who is killed, or 15082
dies as the result of an occupational disease contracted in the 15083
course of employment, wherever the injury has occurred or 15084
occupational disease has been contracted, is entitled to receive 15085
the compensation for loss sustained on account of the injury, 15086
occupational disease, or death, and the medical, nurse, and 15087
hospital services and medicines, and the amount of funeral 15088
expenses in case of death, as are provided by this chapter. The 15089
compensation and benefits shall be provided, as applicable, 15090
directly from the employee's self-insuring employer as provided 15091
in section 4123.35 of the Revised Code or from the state 15092
insurance fund. An employee or dependent is not entitled to 15093
receive compensation or benefits under this division if the 15094
employee's injury or occupational disease is either of the 15095
following: 15096

(1) Purposely self-inflicted; 15097

(2) Caused by the employee being intoxicated, under the influence of a controlled substance not prescribed by a physician, or under the influence of ~~marihuana~~ marijuana if being intoxicated, under the influence of a controlled substance not prescribed by a physician, or under the influence of ~~marihuana~~ marijuana was the proximate cause of the injury.

(B) For the purpose of this section, provided that an employer has posted written notice to employees that the results of, or the employee's refusal to submit to, any chemical test described under this division may affect the employee's eligibility for compensation and benefits pursuant to this chapter and Chapter 4121. of the Revised Code, there is a rebuttable presumption that an employee is intoxicated, under the influence of a controlled substance not prescribed by the employee's physician, or under the influence of ~~marihuana~~ marijuana and that being intoxicated, under the influence of a controlled substance not prescribed by the employee's physician, or under the influence of ~~marihuana~~ marijuana is the proximate cause of an injury under either of the following conditions:

(1) When any one or more of the following is true:

(a) The employee, through a qualifying chemical test administered within eight hours of an injury, is determined to have an alcohol concentration level equal to or in excess of the levels established in divisions (A) (1) (b) to (i) of section 4511.19 of the Revised Code.

(b) The employee, through a qualifying chemical test administered within thirty-two hours of an injury, is determined to have a controlled substance not prescribed by the employee's physician or ~~marihuana~~ marijuana in the employee's system at a level equal to or in excess of the cutoff concentration level

for the particular substance as provided in section 40.87 of 15128
Title 49 of the Code of Federal Regulations, 49 C.F.R. 40.87, as 15129
amended. 15130

(c) The employee, through a qualifying chemical test 15131
administered within thirty-two hours of an injury, is determined 15132
to have barbiturates, benzodiazepines, or methadone in the 15133
employee's system that tests above levels established by 15134
laboratories certified by the United States department of health 15135
and human services. 15136

(2) When the employee refuses to submit to a requested 15137
chemical test, on the condition that that employee is or was 15138
given notice that the refusal to submit to any chemical test 15139
described in division (B) (1) of this section may affect the 15140
employee's eligibility for compensation and benefits under this 15141
chapter and Chapter 4121. of the Revised Code. 15142

(C) (1) For purposes of division (B) of this section, a 15143
chemical test is a qualifying chemical test if it is 15144
administered to an employee after an injury under at least one 15145
of the following conditions: 15146

(a) When the employee's employer had reasonable cause to 15147
suspect that the employee may be intoxicated, under the 15148
influence of a controlled substance not prescribed by the 15149
employee's physician, or under the influence of 15150
~~marihuana~~marijuana; 15151

(b) At the request of a police officer pursuant to section 15152
4511.191 of the Revised Code, and not at the request of the 15153
employee's employer; 15154

(c) At the request of a licensed physician who is not 15155
employed by the employee's employer, and not at the request of 15156

the employee's employer. 15157

(2) As used in division (C) (1) (a) of this section, 15158
"reasonable cause" means, but is not limited to, evidence that 15159
an employee is or was using alcohol, a controlled substance, or 15160
~~marihuana~~marijuana drawn from specific, objective facts and 15161
reasonable inferences drawn from these facts in light of 15162
experience and training. These facts and inferences may be based 15163
on, but are not limited to, any of the following: 15164

(a) Observable phenomena, such as direct observation of 15165
use, possession, or distribution of alcohol, a controlled 15166
substance, or ~~marihuana~~marijuana, or of the physical symptoms of 15167
being under the influence of alcohol, a controlled substance, or 15168
~~marihuana~~marijuana, such as but not limited to slurred speech; 15169
dilated pupils; odor of alcohol, a controlled substance, or 15170
~~marihuana~~marijuana; changes in affect; or dynamic mood swings; 15171

(b) A pattern of abnormal conduct, erratic or aberrant 15172
behavior, or deteriorating work performance such as frequent 15173
absenteeism, excessive tardiness, or recurrent accidents, that 15174
appears to be related to the use of alcohol, a controlled 15175
substance, or ~~marihuana~~marijuana, and does not appear to be 15176
attributable to other factors; 15177

(c) The identification of an employee as the focus of a 15178
criminal investigation into unauthorized possession, use, or 15179
trafficking of a controlled substance or ~~marihuana~~marijuana; 15180

(d) A report of use of alcohol, a controlled substance, or 15181
~~marihuana~~marijuana provided by a reliable and credible source; 15182

(e) Repeated or flagrant violations of the safety or work 15183
rules of the employee's employer, that are determined by the 15184
employee's supervisor to pose a substantial risk of physical 15185

injury or property damage and that appear to be related to the 15186
use of alcohol, a controlled substance, or ~~marihuana~~marijuana 15187
and that do not appear attributable to other factors. 15188

(D) Nothing in this section shall be construed to affect 15189
the rights of an employer to test employees for alcohol or 15190
controlled substance abuse. 15191

(E) For the purpose of this section, laboratories 15192
certified by the United States department of health and human 15193
services or laboratories that meet or exceed the standards of 15194
that department for laboratory certification shall be used for 15195
processing the test results of a qualifying chemical test. 15196

(F) The written notice required by division (B) of this 15197
section shall be the same size or larger than the proof of 15198
workers' compensation coverage furnished by the bureau of 15199
workers' compensation and shall be posted by the employer in the 15200
same location as the proof of workers' compensation coverage or 15201
the certificate of self-insurance. 15202

(G) If a condition that pre-existed an injury is 15203
substantially aggravated by the injury, and that substantial 15204
aggravation is documented by objective diagnostic findings, 15205
objective clinical findings, or objective test results, no 15206
compensation or benefits are payable because of the pre-existing 15207
condition once that condition has returned to a level that would 15208
have existed without the injury. 15209

(H) (1) Whenever, with respect to an employee of an 15210
employer who is subject to and has complied with this chapter, 15211
there is possibility of conflict with respect to the application 15212
of workers' compensation laws because the contract of employment 15213
is entered into and all or some portion of the work is or is to 15214

be performed in a state or states other than Ohio, the employer 15215
and the employee may agree to be bound by the laws of this state 15216
or by the laws of some other state in which all or some portion 15217
of the work of the employee is to be performed. The agreement 15218
shall be in writing and shall be filed with the bureau of 15219
workers' compensation within ten days after it is executed and 15220
shall remain in force until terminated or modified by agreement 15221
of the parties similarly filed. If the agreement is to be bound 15222
by the laws of this state and the employer has complied with 15223
this chapter, then the employee is entitled to compensation and 15224
benefits regardless of where the injury occurs or the disease is 15225
contracted and the rights of the employee and the employee's 15226
dependents under the laws of this state are the exclusive remedy 15227
against the employer on account of injury, disease, or death in 15228
the course of and arising out of the employee's employment. If 15229
the agreement is to be bound by the laws of another state and 15230
the employer has complied with the laws of that state, the 15231
rights of the employee and the employee's dependents under the 15232
laws of that state are the exclusive remedy against the employer 15233
on account of injury, disease, or death in the course of and 15234
arising out of the employee's employment without regard to the 15235
place where the injury was sustained or the disease contracted. 15236
If an employer and an employee enter into an agreement under 15237
this division, the fact that the employer and the employee 15238
entered into that agreement shall not be construed to change the 15239
status of an employee whose continued employment is subject to 15240
the will of the employer or the employee, unless the agreement 15241
contains a provision that expressly changes that status. 15242

(2) If an employee or the employee's dependents receive an 15243
award of compensation or benefits under this chapter or Chapter 15244
4121., 4127., or 4131. of the Revised Code for the same injury, 15245

occupational disease, or death for which the employee or the 15246
employee's dependents previously pursued or otherwise elected to 15247
accept workers' compensation benefits and received a decision on 15248
the merits as defined in section 4123.542 of the Revised Code 15249
under the laws of another state or recovered damages under the 15250
laws of another state, the claim shall be disallowed and the 15251
administrator or any self-insuring employer, by any lawful 15252
means, may collect from the employee or the employee's 15253
dependents any of the following: 15254

(a) The amount of compensation or benefits paid to or on 15255
behalf of the employee or the employee's dependents by the 15256
administrator or a self-insuring employer pursuant to this 15257
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 15258
for that award; 15259

(b) Any interest, attorney's fees, and costs the 15260
administrator or the self-insuring employer incurs in collecting 15261
that payment. 15262

(3) If an employee or the employee's dependents receive an 15263
award of compensation or benefits under this chapter or Chapter 15264
4121., 4127., or 4131. of the Revised Code and subsequently 15265
pursue or otherwise elect to accept workers' compensation 15266
benefits or damages under the laws of another state for the same 15267
injury, occupational disease, or death the claim under this 15268
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 15269
shall be disallowed. The administrator or a self-insuring 15270
employer, by any lawful means, may collect from the employee or 15271
the employee's dependents or other-states' insurer any of the 15272
following: 15273

(a) The amount of compensation or benefits paid to or on 15274
behalf of the employee or the employee's dependents by the 15275

administrator or the self-insuring employer pursuant to this 15276
chapter or Chapter 4121., 4127., or 4131. of the Revised Code 15277
for that award; 15278

(b) Any interest, costs, and attorney's fees the 15279
administrator or the self-insuring employer incurs in collecting 15280
that payment; 15281

(c) Any costs incurred by an employer in contesting or 15282
responding to any claim filed by the employee or the employee's 15283
dependents for the same injury, occupational disease, or death 15284
that was filed after the original claim for which the employee 15285
or the employee's dependents received a decision on the merits 15286
as described in section 4123.542 of the Revised Code. 15287

(4) If the employee's employer pays premiums into the 15288
state insurance fund, the administrator shall not charge the 15289
amount of compensation or benefits the administrator collects 15290
pursuant to division (H) (2) or (3) of this section to the 15291
employer's experience. If the administrator collects any costs 15292
incurred by an employer in contesting or responding to any claim 15293
pursuant to division (H) (2) or (3) of this section, the 15294
administrator shall forward the amount collected to that 15295
employer. If the employee's employer is a self-insuring 15296
employer, the self-insuring employer shall deduct the amount of 15297
compensation or benefits the self-insuring employer collects 15298
pursuant to this division from the paid compensation the self- 15299
insuring employer reports to the administrator under division 15300
(L) of section 4123.35 of the Revised Code. 15301

(5) If an employee is a resident of a state other than 15302
this state and is insured under the workers' compensation law or 15303
similar laws of a state other than this state, the employee and 15304
the employee's dependents are not entitled to receive 15305

compensation or benefits under this chapter, on account of 15306
injury, disease, or death arising out of or in the course of 15307
employment while temporarily within this state, and the rights 15308
of the employee and the employee's dependents under the laws of 15309
the other state are the exclusive remedy against the employer on 15310
account of the injury, disease, or death. 15311

(6) An employee, or the dependent of an employee, who 15312
elects to receive compensation and benefits under this chapter 15313
or Chapter 4121., 4127., or 4131. of the Revised Code for a 15314
claim may not receive compensation and benefits under the 15315
workers' compensation laws of any state other than this state 15316
for that same claim. For each claim submitted by or on behalf of 15317
an employee, the administrator or, if the employee is employed 15318
by a self-insuring employer, the self-insuring employer, shall 15319
request the employee or the employee's dependent to sign an 15320
election that affirms the employee's or employee's dependent's 15321
acceptance of electing to receive compensation and benefits 15322
under this chapter or Chapter 4121., 4127., or 4131. of the 15323
Revised Code for that claim that also affirmatively waives and 15324
releases the employee's or the employee's dependent's right to 15325
file for and receive compensation and benefits under the laws of 15326
any state other than this state for that claim. The employee or 15327
employee's dependent shall sign the election form within twenty- 15328
eight days after the administrator or self-insuring employer 15329
submits the request or the administrator or self-insuring 15330
employer shall dismiss that claim. 15331

In the event a workers' compensation claim has been filed 15332
in another jurisdiction on behalf of an employee or the 15333
dependents of an employee, and the employee or dependents 15334
subsequently elect to receive compensation, benefits, or both 15335
under this chapter or Chapter 4121., 4127., or 4131. of the 15336

Revised Code, the employee or dependent shall withdraw or refuse 15337
acceptance of the workers' compensation claim filed in the other 15338
jurisdiction in order to pursue compensation or benefits under 15339
the laws of this state. If the employee or dependents were 15340
awarded workers' compensation benefits or had recovered damages 15341
under the laws of the other state, any compensation and benefits 15342
awarded under this chapter or Chapter 4121., 4127., or 4131. of 15343
the Revised Code shall be paid only to the extent to which those 15344
payments exceed the amounts paid under the laws of the other 15345
state. If the employee or dependent fails to withdraw or to 15346
refuse acceptance of the workers' compensation claim in the 15347
other jurisdiction within twenty-eight days after a request made 15348
by the administrator or a self-insuring employer, the 15349
administrator or self-insuring employer shall dismiss the 15350
employee's or employee's dependents' claim made in this state. 15351

(I) If an employee who is covered under the federal 15352
"Longshore and Harbor Workers' Compensation Act," 98 Stat. 1639, 15353
33 U.S.C. 901 et seq., is injured or contracts an occupational 15354
disease or dies as a result of an injury or occupational 15355
disease, and if that employee's or that employee's dependents' 15356
claim for compensation or benefits for that injury, occupational 15357
disease, or death is subject to the jurisdiction of that act, 15358
the employee or the employee's dependents are not entitled to 15359
apply for and shall not receive compensation or benefits under 15360
this chapter and Chapter 4121. of the Revised Code. The rights 15361
of such an employee and the employee's dependents under the 15362
federal "Longshore and Harbor Workers' Compensation Act," 98 15363
Stat. 1639, 33 U.S.C. 901 et seq., are the exclusive remedy 15364
against the employer for that injury, occupational disease, or 15365
death. 15366

(J) Compensation or benefits are not payable to a claimant 15367

or a dependent during the period of confinement of the claimant 15368
or dependent in any state or federal correctional institution, 15369
or in any county jail in lieu of incarceration in a state or 15370
federal correctional institution, whether in this or any other 15371
state for conviction of violation of any state or federal 15372
criminal law. 15373

(K) An employer, upon the approval of the administrator, 15374
may provide for workers' compensation coverage for the 15375
employer's employees who are professional athletes and coaches 15376
by submitting to the administrator proof of coverage under a 15377
league policy issued under the laws of another state under 15378
either of the following circumstances: 15379

(1) The employer administers the payroll and workers' 15380
compensation insurance for a professional sports team subject to 15381
a collective bargaining agreement, and the collective bargaining 15382
agreement provides for the uniform administration of workers' 15383
compensation benefits and compensation for professional 15384
athletes. 15385

(2) The employer is a professional sports league, or is a 15386
member team of a professional sports league, and all of the 15387
following apply: 15388

(a) The professional sports league operates as a single 15389
entity, whereby all of the players and coaches of the sports 15390
league are employees of the sports league and not of the 15391
individual member teams. 15392

(b) The professional sports league at all times maintains 15393
workers' compensation insurance that provides coverage for the 15394
players and coaches of the sports league. 15395

(c) Each individual member team of the professional sports 15396

league, pursuant to the organizational or operating documents of 15397
the sports league, is obligated to the sports league to pay to 15398
the sports league any workers' compensation claims that are not 15399
covered by the workers' compensation insurance maintained by the 15400
sports league. 15401

If the administrator approves the employer's proof of 15402
coverage submitted under division (K) of this section, a 15403
professional athlete or coach who is an employee of the employer 15404
and the dependents of the professional athlete or coach are not 15405
entitled to apply for and shall not receive compensation or 15406
benefits under this chapter and Chapter 4121. of the Revised 15407
Code. The rights of such an athlete or coach and the dependents 15408
of such an athlete or coach under the laws of the state where 15409
the policy was issued are the exclusive remedy against the 15410
employer for the athlete or coach if the athlete or coach 15411
suffers an injury or contracts an occupational disease in the 15412
course of employment, or for the dependents of the athlete or 15413
the coach if the athlete or coach is killed as a result of an 15414
injury or dies as a result of an occupational disease, 15415
regardless of the location where the injury was suffered or the 15416
occupational disease was contracted. 15417

Sec. 4301.61. (A) As used in this section and section 15418
4301.611 of the Revised Code: 15419

(1) "Card holder" means any person who presents a driver's 15420
or commercial driver's license or an identification card to a 15421
permit holder, or an agent or employee of a permit holder, for 15422
either of the purposes listed in division (A) (4) (a) or (b) of 15423
this section. 15424

(2) "Identification card" means an identification card 15425
issued under sections 4507.50 to 4507.52 of the Revised Code or 15426

an equivalent identification card issued by another state. 15427

(3) "Permit holder" means the holder of a permit issued 15428
under Chapter 4303. of the Revised Code. 15429

(4) "Transaction scan" means the process by which a permit 15430
holder or an agent or employee of a permit holder checks, by 15431
means of a transaction scan device, the validity of a driver's 15432
or commercial driver's license or an identification card that is 15433
presented as a condition for doing either of the following: 15434

(a) Purchasing any beer, intoxicating liquor, or low- 15435
alcohol beverage; 15436

(b) Gaining admission to a premises that has been issued a 15437
liquor permit authorizing the sale of beer or intoxicating 15438
liquor for consumption on the premises where sold, and where 15439
admission is restricted to persons twenty-one years of age or 15440
older. 15441

(5) "Transaction scan device" means any commercial device 15442
or combination of devices used at a point of sale that is 15443
capable of deciphering in an electronically readable format the 15444
information encoded on the magnetic strip or bar code of a 15445
driver's or commercial driver's license or an identification 15446
card. 15447

(B) (1) A permit holder or an agent or employee of a permit 15448
holder may perform a transaction scan by means of a transaction 15449
scan device to check the validity of a driver's or commercial 15450
driver's license or identification card presented by a card 15451
holder for either of the purposes listed in division (A) (4) (a) 15452
or (b) of this section. 15453

(2) If the information deciphered by the transaction scan 15454
performed under division (B) (1) of this section fails to match 15455

the information printed on the driver's or commercial driver's license or identification card presented by the card holder, or if the transaction scan indicates that the information so printed is false or fraudulent, neither the permit holder nor any agent or employee of the permit holder shall sell any beer, intoxicating liquor, or low-alcohol beverage to the card holder.

(3) Division (B) (1) of this section does not preclude a permit holder or an agent or employee of a permit holder from using a transaction scan device to check the validity of a document other than a driver's or commercial driver's license or an identification card, if the document includes a bar code or magnetic strip that may be scanned by the device, as a condition of a sale of beer, intoxicating liquor, or a low-alcohol beverage or of granting admission to a premises described in division (A) (4) of this section.

(C) The registrar of motor vehicles, with the approval of the liquor control commission, shall adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code that do both of the following:

(1) Govern the recording and maintenance of information described in divisions (D) (1) (a) and (b) of this section, divisions (D) (1) (a) and (b) of section 2927.021 of the Revised Code, and divisions (D) (1) (a) and (b) of section 2925.57 of the Revised Code;

(2) Ensure quality control in the use of transaction scan devices under this section and sections 2925.56, 2925.57, 2927.021, 2927.022, ~~2925.57, 2925.58,~~ and 4301.611 of the Revised Code.

(D) (1) No permit holder or agent or employee of a permit

holder shall electronically or mechanically record or maintain 15485
any information derived from a transaction scan, except the 15486
following: 15487

(a) The name and date of birth of the person listed on the 15488
driver's or commercial driver's license or identification card 15489
presented by a card holder; 15490

(b) The expiration date and identification number of the 15491
driver's or commercial driver's license or identification card 15492
presented by a card holder. 15493

(2) No permit holder or agent or employee of a permit 15494
holder shall use the information that is derived from a 15495
transaction scan or that is permitted to be recorded and 15496
maintained by division (D) (1) of this section, except for 15497
purposes of section 4301.611 of the Revised Code. 15498

(3) No permit holder or agent or employee of a permit 15499
holder shall use a transaction scan device for a purpose other 15500
than a purpose listed in division (A) (4) (a) or (b) of this 15501
section. 15502

(4) No permit holder or agent or employee of a permit 15503
holder shall sell or otherwise disseminate the information 15504
derived from a transaction scan to any third party, including, 15505
but not limited to, selling or otherwise disseminating that 15506
information for any marketing, advertising, or promotional 15507
activities, but a permit holder or agent or employee of a permit 15508
holder may release that information pursuant to a court order or 15509
as specifically authorized by section 4301.611 or another 15510
section of the Revised Code. 15511

(E) Nothing in this section or section 4301.611 of the 15512
Revised Code relieves a permit holder or an agent or employee of 15513

a permit holder of any responsibility to comply with any other 15514
applicable state or federal laws or rules governing the sale of 15515
beer, intoxicating liquor, or low-alcohol beverages. 15516

(F) Whoever violates division (B)(2) or (D) of this 15517
section is guilty of an illegal liquor transaction scan, and the 15518
court may impose upon the offender a civil penalty of up to one 15519
thousand dollars for each violation. The clerk of the court 15520
shall pay each collected civil penalty to the county treasurer 15521
for deposit into the county treasury. 15522

Sec. 4510.01. As used in this title and in Title XXIX of 15523
the Revised Code: 15524

(A) "Cancel" or "cancellation" means the annulment or 15525
termination by the bureau of motor vehicles of a driver's 15526
license, commercial driver's license, temporary instruction 15527
permit, probationary license, or nonresident operating privilege 15528
because it was obtained unlawfully, issued in error, altered, or 15529
willfully destroyed, or because the holder no longer is entitled 15530
to the license, permit, or privilege. 15531

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the 15532
same meanings as in section 2925.01 of the Revised Code. 15533

(C) "Ignition interlock device" means a device approved by 15534
the director of public safety that connects a breath analyzer to 15535
a motor vehicle's ignition system, that is constantly available 15536
to monitor the concentration by weight of alcohol in the breath 15537
of any person attempting to start that motor vehicle by using 15538
its ignition system, and that deters starting the motor vehicle 15539
by use of its ignition system unless the person attempting to 15540
start the vehicle provides an appropriate breath sample for the 15541
device and the device determines that the concentration by 15542

weight of alcohol in the person's breath is below a preset level. 15543
15544

(D) "Immobilizing or disabling device" means a device 15545
approved by the director of public safety that may be ordered by 15546
a court to be used by an offender as a condition of limited 15547
driving privileges. "Immobilizing or disabling device" includes 15548
an ignition interlock device, and any prototype device that is 15549
used according to protocols designed to ensure efficient and 15550
effective monitoring of limited driving privileges granted by a 15551
court to an offender. 15552

(E) "Moving violation" means any violation of any statute 15553
or ordinance that regulates the operation of vehicles, 15554
streetcars, or trackless trolleys on the highways or streets. 15555
"Moving violation" does not include a violation of section 15556
4513.263 of the Revised Code or a substantially equivalent 15557
municipal ordinance, a violation of any statute or ordinance 15558
regulating pedestrians or the parking of vehicles, vehicle size 15559
or load limitations, vehicle fitness requirements, or vehicle 15560
registration. 15561

(F) "Municipal OVI ordinance" and "municipal OVI offense" 15562
have the same meanings as in section 4511.181 of the Revised 15563
Code. 15564

(G) "Prototype device" means any testing device to monitor 15565
limited driving privileges that has not yet been approved or 15566
disapproved by the director of public safety. 15567

(H) "Suspend" or "suspension" means the permanent or 15568
temporary withdrawal, by action of a court or the bureau of 15569
motor vehicles, of a driver's license, commercial driver's 15570
license, temporary instruction permit, probationary license, or 15571

nonresident operating privilege for the period of the suspension 15572
or the permanent or temporary withdrawal of the privilege to 15573
obtain a license, permit, or privilege of that type for the 15574
period of the suspension. 15575

(I) "Controlled substance" and "~~marihuana~~marijuana" have 15576
the same meanings as in section 3719.01 of the Revised Code. 15577

Sec. 4510.17. (A) The registrar of motor vehicles shall 15578
impose a class D suspension of the person's driver's license, 15579
commercial driver's license, temporary instruction permit, 15580
probationary license, or nonresident operating privilege for the 15581
period of time specified in division (B) (4) of section 4510.02 15582
of the Revised Code on any person who is a resident of this 15583
state and is convicted of or pleads guilty to a violation of a 15584
statute of any other state or any federal statute that is 15585
substantially similar to section 2925.02, 2925.021, 2925.03, 15586
2925.04, 2925.041, 2925.05, 2925.06, ~~2925.11, 2925.12, 2925.061,~~ 15587
2925.07, 2925.08, 2925.13, 2925.14, ~~2925.141,~~ 2925.22, 2925.23, 15588
2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code. Upon 15589
receipt of a report from a court, court clerk, or other official 15590
of any other state or from any federal authority that a resident 15591
of this state was convicted of or pleaded guilty to an offense 15592
described in this division, the registrar shall send a notice by 15593
regular first class mail to the person, at the person's last 15594
known address as shown in the records of the bureau of motor 15595
vehicles, informing the person of the suspension, that the 15596
suspension will take effect twenty-one days from the date of the 15597
notice, and that, if the person wishes to appeal the suspension 15598
or denial, the person must file a notice of appeal within 15599
twenty-one days of the date of the notice requesting a hearing 15600
on the matter. If the person requests a hearing, the registrar 15601
shall hold the hearing not more than forty days after receipt by 15602

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

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

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

(B) The registrar shall impose a class D suspension of the
person's driver's license, commercial driver's license,
temporary instruction permit, probationary license, or
nonresident operating privilege for the period of time specified
in division (B) (4) of section 4510.02 of the Revised Code on any
person who is a resident of this state and is convicted of or
pleads guilty to a violation of a statute of any other state or
a municipal ordinance of a municipal corporation located in any
other state that is substantially similar to section 4511.19 of
the Revised Code. Upon receipt of a report from another state
made pursuant to section 4510.61 of the Revised Code indicating

that a resident of this state was convicted of or pleaded guilty 15633
to an offense described in this division, the registrar shall 15634
send a notice by regular first class mail to the person, at the 15635
person's last known address as shown in the records of the 15636
bureau of motor vehicles, informing the person of the 15637
suspension, that the suspension or denial will take effect 15638
twenty-one days from the date of the notice, and that, if the 15639
person wishes to appeal the suspension, the person must file a 15640
notice of appeal within twenty-one days of the date of the 15641
notice requesting a hearing on the matter. If the person 15642
requests a hearing, the registrar shall hold the hearing not 15643
more than forty days after receipt by the registrar of the 15644
notice of appeal. The filing of a notice of appeal does not stay 15645
the operation of the suspension that must be imposed pursuant to 15646
this division. The scope of the hearing shall be limited to 15647
whether the person actually was convicted of or pleaded guilty 15648
to the offense for which the suspension is to be imposed. 15649

The suspension the registrar is required to impose under 15650
this division shall end either on the last day of the class D 15651
suspension period or of the suspension of the person's 15652
nonresident operating privilege imposed by the state or federal 15653
court, whichever is earlier. 15654

(C) The registrar shall impose a class D suspension of the 15655
child's driver's license, commercial driver's license, temporary 15656
instruction permit, or nonresident operating privilege for the 15657
period of time specified in division (B) (4) of section 4510.02 15658
of the Revised Code on any child who is a resident of this state 15659
and is convicted of or pleads guilty to a violation of a statute 15660
of any other state or any federal statute that is substantially 15661
similar to section 2925.02, 2925.021, 2925.03, 2925.04, 15662
2925.041, 2925.05, 2925.06, ~~2925.11~~, ~~2925.12~~, 2925.061, 2925.07, 15663

~~2925.08,~~ 2925.13, 2925.14, ~~2925.141,~~ 2925.22, 2925.23, 2925.31, 15664
2925.32, 2925.36, or 2925.37 of the Revised Code. Upon receipt 15665
of a report from a court, court clerk, or other official of any 15666
other state or from any federal authority that a child who is a 15667
resident of this state was convicted of or pleaded guilty to an 15668
offense described in this division, the registrar shall send a 15669
notice by regular first class mail to the child, at the child's 15670
last known address as shown in the records of the bureau of 15671
motor vehicles, informing the child of the suspension, that the 15672
suspension or denial will take effect twenty-one days from the 15673
date of the notice, and that, if the child wishes to appeal the 15674
suspension, the child must file a notice of appeal within 15675
twenty-one days of the date of the notice requesting a hearing 15676
on the matter. If the child requests a hearing, the registrar 15677
shall hold the hearing not more than forty days after receipt by 15678
the registrar of the notice of appeal. The filing of a notice of 15679
appeal does not stay the operation of the suspension that must 15680
be imposed pursuant to this division. The scope of the hearing 15681
shall be limited to whether the child actually was convicted of 15682
or pleaded guilty to the offense for which the suspension is to 15683
be imposed. 15684

The suspension the registrar is required to impose under 15685
this division shall end either on the last day of the class D 15686
suspension period or of the suspension of the child's 15687
nonresident operating privilege imposed by the state or federal 15688
court, whichever is earlier. If the child is a resident of this 15689
state who is sixteen years of age or older and does not have a 15690
current, valid Ohio driver's or commercial driver's license or 15691
permit, the notice shall inform the child that the child will be 15692
denied issuance of a driver's or commercial driver's license or 15693
permit for six months beginning on the date of the notice. If 15694

the child has not attained the age of sixteen years on the date 15695
of the notice, the notice shall inform the child that the period 15696
of denial of six months shall commence on the date the child 15697
attains the age of sixteen years. 15698

The registrar shall subscribe to or otherwise participate 15699
in any information system or register, or enter into reciprocal 15700
and mutual agreements with other states and federal authorities, 15701
in order to facilitate the exchange of information with other 15702
states and the United States government regarding children who 15703
are residents of this state and plead guilty to or are convicted 15704
of offenses described in this division and therefore are subject 15705
to the suspension or denial described in this division. 15706

(D) The registrar shall impose a class D suspension of the 15707
child's driver's license, commercial driver's license, temporary 15708
instruction permit, probationary license, or nonresident 15709
operating privilege for the period of time specified in division 15710
(B) (4) of section 4510.02 of the Revised Code on any child who 15711
is a resident of this state and is convicted of or pleads guilty 15712
to a violation of a statute of any other state or a municipal 15713
ordinance of a municipal corporation located in any other state 15714
that is substantially similar to section 4511.19 of the Revised 15715
Code. Upon receipt of a report from another state made pursuant 15716
to section 4510.61 of the Revised Code indicating that a child 15717
who is a resident of this state was convicted of or pleaded 15718
guilty to an offense described in this division, the registrar 15719
shall send a notice by regular first class mail to the child, at 15720
the child's last known address as shown in the records of the 15721
bureau of motor vehicles, informing the child of the suspension, 15722
that the suspension will take effect twenty-one days from the 15723
date of the notice, and that, if the child wishes to appeal the 15724
suspension, the child must file a notice of appeal within 15725

twenty-one days of the date of the notice requesting a hearing 15726
on the matter. If the child requests a hearing, the registrar 15727
shall hold the hearing not more than forty days after receipt by 15728
the registrar of the notice of appeal. The filing of a notice of 15729
appeal does not stay the operation of the suspension that must 15730
be imposed pursuant to this division. The scope of the hearing 15731
shall be limited to whether the child actually was convicted of 15732
or pleaded guilty to the offense for which the suspension is to 15733
be imposed. 15734

The suspension the registrar is required to impose under 15735
this division shall end either on the last day of the class D 15736
suspension period or of the suspension of the child's 15737
nonresident operating privilege imposed by the state or federal 15738
court, whichever is earlier. If the child is a resident of this 15739
state who is sixteen years of age or older and does not have a 15740
current, valid Ohio driver's or commercial driver's license or 15741
permit, the notice shall inform the child that the child will be 15742
denied issuance of a driver's or commercial driver's license or 15743
permit for six months beginning on the date of the notice. If 15744
the child has not attained the age of sixteen years on the date 15745
of the notice, the notice shall inform the child that the period 15746
of denial of six months shall commence on the date the child 15747
attains the age of sixteen years. 15748

(E) (1) Any person whose license or permit has been 15749
suspended pursuant to this section may file a petition in the 15750
municipal or county court, or in case the person is under 15751
eighteen years of age, the juvenile court, in whose jurisdiction 15752
the person resides, requesting limited driving privileges and 15753
agreeing to pay the cost of the proceedings. Except as provided 15754
in division (E) (2) or (3) of this section, the judge may grant 15755
the person limited driving privileges during the period during 15756

which the suspension otherwise would be imposed for any of the 15757
purposes set forth in division (A) of section 4510.021 of the 15758
Revised Code. 15759

(2) No judge shall grant limited driving privileges for 15760
employment as a driver of a commercial motor vehicle to any 15761
person who would be disqualified from operating a commercial 15762
motor vehicle under section 4506.16 of the Revised Code if the 15763
violation had occurred in this state. Further, no judge shall 15764
grant limited driving privileges during any of the following 15765
periods of time: 15766

(a) The first fifteen days of a suspension under division 15767
(B) or (D) of this section, if the person has not been convicted 15768
within ten years of the date of the offense giving rise to the 15769
suspension under this section of a violation of any of the 15770
following: 15771

(i) Section 4511.19 of the Revised Code, or a municipal 15772
ordinance relating to operating a vehicle while under the 15773
influence of alcohol, a drug of abuse, or alcohol and a drug of 15774
abuse; 15775

(ii) A municipal ordinance relating to operating a motor 15776
vehicle with a prohibited concentration of alcohol, a controlled 15777
substance, or a metabolite of a controlled substance in the 15778
whole blood, blood serum or plasma, breath, or urine; 15779

(iii) Section 2903.04 of the Revised Code in a case in 15780
which the person was subject to the sanctions described in 15781
division (D) of that section; 15782

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 15783
of section 2903.08 of the Revised Code or a municipal ordinance 15784
that is substantially similar to either of those divisions; 15785

(v) Division (A) (2), (3), or (4) of section 2903.06, 15786
division (A) (2) of section 2903.08, or as it existed prior to 15787
March 23, 2000, section 2903.07 of the Revised Code, or a 15788
municipal ordinance that is substantially similar to any of 15789
those divisions or that former section, in a case in which the 15790
jury or judge found that the person was under the influence of 15791
alcohol, a drug of abuse, or alcohol and a drug of abuse. 15792

(b) The first thirty days of a suspension under division 15793
(B) or (D) of this section, if the person has been convicted one 15794
time within ten years of the date of the offense giving rise to 15795
the suspension under this section of any violation identified in 15796
division (E) (1) (a) of this section. 15797

(c) The first one hundred eighty days of a suspension 15798
under division (B) or (D) of this section, if the person has 15799
been convicted two times within ten years of the date of the 15800
offense giving rise to the suspension under this section of any 15801
violation identified in division (E) (1) (a) of this section. 15802

(3) No limited driving privileges may be granted if the 15803
person has been convicted three or more times within five years 15804
of the date of the offense giving rise to a suspension under 15805
division (B) or (D) of this section of any violation identified 15806
in division (E) (1) (a) of this section. 15807

(4) In accordance with section 4510.022 of the Revised 15808
Code, a person may petition for, and a judge may grant, 15809
unlimited driving privileges with a certified ignition interlock 15810
device during the period of suspension imposed under division 15811
(B) or (D) of this section to a person described in division (E) 15812
(2) (a) of this section. 15813

(5) If a person petitions for limited driving privileges 15814

under division (E) (1) of this section or unlimited driving 15815
privileges with a certified ignition interlock device as 15816
provided in division (E) (4) of this section, the registrar shall 15817
be represented by the county prosecutor of the county in which 15818
the person resides if the petition is filed in a juvenile court 15819
or county court, except that if the person resides within a city 15820
or village that is located within the jurisdiction of the county 15821
in which the petition is filed, the city director of law or 15822
village solicitor of that city or village shall represent the 15823
registrar. If the petition is filed in a municipal court, the 15824
registrar shall be represented as provided in section 1901.34 of 15825
the Revised Code. 15826

(6) (a) In issuing an order granting limited driving 15827
privileges under division (E) (1) of this section, the court may 15828
impose any condition it considers reasonable and necessary to 15829
limit the use of a vehicle by the person. The court shall 15830
deliver to the person a copy of the order setting forth the 15831
time, place, and other conditions limiting the person's use of a 15832
motor vehicle. Unless division (E) (6) (b) of this section 15833
applies, the grant of limited driving privileges shall be 15834
conditioned upon the person's having the order in the person's 15835
possession at all times during which the person is operating a 15836
vehicle. 15837

(b) If, under the order, the court requires the use of an 15838
immobilizing or disabling device as a condition of the grant of 15839
limited or unlimited driving privileges, the person shall 15840
present to the registrar or to a deputy registrar the copy of 15841
the order granting limited driving privileges and a certificate 15842
affirming the installation of an immobilizing or disabling 15843
device that is in a form established by the director of public 15844
safety and is signed by the person who installed the device. 15845

Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

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

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

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

(F) The provisions of division (A) (8) of section 4510.13 of the Revised Code apply to a person who has been granted limited or unlimited driving privileges with a certified ignition interlock device under this section and who either

commits an ignition interlock device violation as defined under 15876
section 4510.46 of the Revised Code or operates a motor vehicle 15877
that is not equipped with a certified ignition interlock device. 15878

(G) Any person whose license or permit has been suspended 15879
under division (A) or (C) of this section may file a petition in 15880
the municipal or county court, or in case the person is under 15881
eighteen years of age, the juvenile court, in whose jurisdiction 15882
the person resides, requesting the termination of the suspension 15883
and agreeing to pay the cost of the proceedings. If the court, 15884
in its discretion, determines that a termination of the 15885
suspension is appropriate, the court shall issue an order to the 15886
registrar to terminate the suspension. Upon receiving such an 15887
order, the registrar shall reinstate the license. 15888

(H) As used in divisions (C) and (D) of this section: 15889

(1) "Child" means a person who is under the age of 15890
eighteen years, except that any person who violates a statute or 15891
ordinance described in division (C) or (D) of this section prior 15892
to attaining eighteen years of age shall be deemed a "child" 15893
irrespective of the person's age at the time the complaint or 15894
other equivalent document is filed in the other state or a 15895
hearing, trial, or other proceeding is held in the other state 15896
on the complaint or other equivalent document, and irrespective 15897
of the person's age when the period of license suspension or 15898
denial prescribed in division (C) or (D) of this section is 15899
imposed. 15900

(2) "Is convicted of or pleads guilty to" means, as it 15901
relates to a child who is a resident of this state, that in a 15902
proceeding conducted in a state or federal court located in 15903
another state for a violation of a statute or ordinance 15904
described in division (C) or (D) of this section, the result of 15905

the proceeding is any of the following: 15906

(a) Under the laws that govern the proceedings of the 15907
court, the child is adjudicated to be or admits to being a 15908
delinquent child or a juvenile traffic offender for a violation 15909
described in division (C) or (D) of this section that would be a 15910
crime if committed by an adult; 15911

(b) Under the laws that govern the proceedings of the 15912
court, the child is convicted of or pleads guilty to a violation 15913
described in division (C) or (D) of this section; 15914

(c) Under the laws that govern the proceedings of the 15915
court, irrespective of the terminology utilized in those laws, 15916
the result of the court's proceedings is the functional 15917
equivalent of division (H) (2) (a) or (b) of this section. 15918

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 15919
streetcar, or trackless trolley within this state, if, at the 15920
time of the operation, any of the following apply: 15921

(a) The person is under the influence of alcohol, a drug 15922
of abuse, or a combination of them. 15923

(b) The person has a concentration of eight-hundredths of 15924
one per cent or more but less than seventeen-hundredths of one 15925
per cent by weight per unit volume of alcohol in the person's 15926
whole blood. 15927

(c) The person has a concentration of ninety-six- 15928
thousandths of one per cent or more but less than two hundred 15929
four-thousandths of one per cent by weight per unit volume of 15930
alcohol in the person's blood serum or plasma. 15931

(d) The person has a concentration of eight-hundredths of 15932
one gram or more but less than seventeen-hundredths of one gram 15933

by weight of alcohol per two hundred ten liters of the person's
breath. 15934
15935

(e) The person has a concentration of eleven-hundredths of 15936
one gram or more but less than two hundred thirty-eight- 15937
thousandths of one gram by weight of alcohol per one hundred 15938
milliliters of the person's urine. 15939

(f) The person has a concentration of seventeen-hundredths 15940
of one per cent or more by weight per unit volume of alcohol in 15941
the person's whole blood. 15942

(g) The person has a concentration of two hundred four- 15943
thousandths of one per cent or more by weight per unit volume of 15944
alcohol in the person's blood serum or plasma. 15945

(h) The person has a concentration of seventeen-hundredths 15946
of one gram or more by weight of alcohol per two hundred ten 15947
liters of the person's breath. 15948

(i) The person has a concentration of two hundred thirty- 15949
eight-thousandths of one gram or more by weight of alcohol per 15950
one hundred milliliters of the person's urine. 15951

(j) Except as provided in division (K) of this section, 15952
the person has a concentration of any of the following 15953
controlled substances or metabolites of a controlled substance 15954
in the person's whole blood, blood serum or plasma, or urine 15955
that equals or exceeds any of the following: 15956

(i) The person has a concentration of amphetamine in the 15957
person's urine of at least five hundred nanograms of amphetamine 15958
per milliliter of the person's urine or has a concentration of 15959
amphetamine in the person's whole blood or blood serum or plasma 15960
of at least one hundred nanograms of amphetamine per milliliter 15961
of the person's whole blood or blood serum or plasma. 15962

(ii) The person has a concentration of cocaine in the 15963
person's urine of at least one hundred fifty nanograms of 15964
cocaine per milliliter of the person's urine or has a 15965
concentration of cocaine in the person's whole blood or blood 15966
serum or plasma of at least fifty nanograms of cocaine per 15967
milliliter of the person's whole blood or blood serum or plasma. 15968

(iii) The person has a concentration of cocaine metabolite 15969
in the person's urine of at least one hundred fifty nanograms of 15970
cocaine metabolite per milliliter of the person's urine or has a 15971
concentration of cocaine metabolite in the person's whole blood 15972
or blood serum or plasma of at least fifty nanograms of cocaine 15973
metabolite per milliliter of the person's whole blood or blood 15974
serum or plasma. 15975

(iv) The person has a concentration of heroin in the 15976
person's urine of at least two thousand nanograms of heroin per 15977
milliliter of the person's urine or has a concentration of 15978
heroin in the person's whole blood or blood serum or plasma of 15979
at least fifty nanograms of heroin per milliliter of the 15980
person's whole blood or blood serum or plasma. 15981

(v) The person has a concentration of heroin metabolite 15982
(6-monoacetyl morphine) in the person's urine of at least ten 15983
nanograms of heroin metabolite (6-monoacetyl morphine) per 15984
milliliter of the person's urine or has a concentration of 15985
heroin metabolite (6-monoacetyl morphine) in the person's whole 15986
blood or blood serum or plasma of at least ten nanograms of 15987
heroin metabolite (6-monoacetyl morphine) per milliliter of the 15988
person's whole blood or blood serum or plasma. 15989

(vi) The person has a concentration of L.S.D. in the 15990
person's urine of at least twenty-five nanograms of L.S.D. per 15991
milliliter of the person's urine or a concentration of L.S.D. in 15992

the person's whole blood or blood serum or plasma of at least 15993
ten nanograms of L.S.D. per milliliter of the person's whole 15994
blood or blood serum or plasma. 15995

(vii) The person has a concentration of ~~marihuana~~ 15996
marijuana in the person's urine of at least ten nanograms of 15997
~~marihuana~~marijuana per milliliter of the person's urine or has 15998
a concentration of ~~marihuana~~marijuana in the person's whole 15999
blood or blood serum or plasma of at least two nanograms of 16000
~~marihuana~~marijuana per milliliter of the person's whole blood 16001
or blood serum or plasma. 16002

(viii) Either of the following applies: 16003

(I) The person is under the influence of alcohol, a drug 16004
of abuse, or a combination of them, and the person has a 16005
concentration of ~~marihuana~~marijuana metabolite in the person's 16006
urine of at least fifteen nanograms of ~~marihuana~~marijuana 16007
metabolite per milliliter of the person's urine or has a 16008
concentration of ~~marihuana~~marijuana metabolite in the person's 16009
whole blood or blood serum or plasma of at least five nanograms 16010
of ~~marihuana~~marijuana metabolite per milliliter of the person's 16011
whole blood or blood serum or plasma. 16012

(II) The person has a concentration of ~~marihuana~~marijuana 16013
metabolite in the person's urine of at least thirty-five 16014
nanograms of ~~marihuana~~marijuana metabolite per milliliter of 16015
the person's urine or has a concentration of ~~marihuana~~marijuana 16016
metabolite in the person's whole blood or blood serum or plasma 16017
of at least fifty nanograms of ~~marihuana~~marijuana metabolite 16018
per milliliter of the person's whole blood or blood serum or 16019
plasma. 16020

(ix) The person has a concentration of methamphetamine in 16021

the person's urine of at least five hundred nanograms of 16022
methamphetamine per milliliter of the person's urine or has a 16023
concentration of methamphetamine in the person's whole blood or 16024
blood serum or plasma of at least one hundred nanograms of 16025
methamphetamine per milliliter of the person's whole blood or 16026
blood serum or plasma. 16027

(x) The person has a concentration of phencyclidine in the 16028
person's urine of at least twenty-five nanograms of 16029
phencyclidine per milliliter of the person's urine or has a 16030
concentration of phencyclidine in the person's whole blood or 16031
blood serum or plasma of at least ten nanograms of phencyclidine 16032
per milliliter of the person's whole blood or blood serum or 16033
plasma. 16034

(xi) The state board of pharmacy has adopted a rule 16035
pursuant to section 4729.041 of the Revised Code that specifies 16036
the amount of salvia divinorum and the amount of salvinorin A 16037
that constitute concentrations of salvia divinorum and 16038
salvinorin A in a person's urine, in a person's whole blood, or 16039
in a person's blood serum or plasma at or above which the person 16040
is impaired for purposes of operating any vehicle, streetcar, or 16041
trackless trolley within this state, the rule is in effect, and 16042
the person has a concentration of salvia divinorum or salvinorin 16043
A of at least that amount so specified by rule in the person's 16044
urine, in the person's whole blood, or in the person's blood 16045
serum or plasma. 16046

(2) No person who, within twenty years of the conduct 16047
described in division (A) (2) (a) of this section, previously has 16048
been convicted of or pleaded guilty to a violation of this 16049
division, a violation of division (A) (1) or (B) of this section, 16050
or any other equivalent offense shall do both of the following: 16051

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

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

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

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

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

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

(4) The person has a concentration of at least twenty-eight one-thousandths of one gram but less than eleven-hundredths of one gram by weight of alcohol per one hundred

milliliters of the person's urine. 16081

(C) In any proceeding arising out of one incident, a 16082
person may be charged with a violation of division (A) (1) (a) or 16083
(A) (2) and a violation of division (B) (1), (2), or (3) of this 16084
section, but the person may not be convicted of more than one 16085
violation of these divisions. 16086

(D) (1) (a) In any criminal prosecution or juvenile court 16087
proceeding for a violation of division (A) (1) (a) of this section 16088
or for an equivalent offense that is vehicle-related, the result 16089
of any test of any blood or urine withdrawn and analyzed at any 16090
health care provider, as defined in section 2317.02 of the 16091
Revised Code, may be admitted with expert testimony to be 16092
considered with any other relevant and competent evidence in 16093
determining the guilt or innocence of the defendant. 16094

(b) In any criminal prosecution or juvenile court 16095
proceeding for a violation of division (A) or (B) of this 16096
section or for an equivalent offense that is vehicle-related, 16097
the court may admit evidence on the concentration of alcohol, 16098
drugs of abuse, controlled substances, metabolites of a 16099
controlled substance, or a combination of them in the 16100
defendant's whole blood, blood serum or plasma, breath, urine, 16101
or other bodily substance at the time of the alleged violation 16102
as shown by chemical analysis of the substance withdrawn within 16103
three hours of the time of the alleged violation. The three-hour 16104
time limit specified in this division regarding the admission of 16105
evidence does not extend or affect the two-hour time limit 16106
specified in division (A) of section 4511.192 of the Revised 16107
Code as the maximum period of time during which a person may 16108
consent to a chemical test or tests as described in that 16109
section. The court may admit evidence on the concentration of 16110

alcohol, drugs of abuse, or a combination of them as described 16111
in this division when a person submits to a blood, breath, 16112
urine, or other bodily substance test at the request of a law 16113
enforcement officer under section 4511.191 of the Revised Code 16114
or a blood or urine sample is obtained pursuant to a search 16115
warrant. Only a physician, a registered nurse, an emergency 16116
medical technician-intermediate, an emergency medical 16117
technician-paramedic, or a qualified technician, chemist, or 16118
phlebotomist shall withdraw a blood sample for the purpose of 16119
determining the alcohol, drug, controlled substance, metabolite 16120
of a controlled substance, or combination content of the whole 16121
blood, blood serum, or blood plasma. This limitation does not 16122
apply to the taking of breath or urine specimens. A person 16123
authorized to withdraw blood under this division may refuse to 16124
withdraw blood under this division, if in that person's opinion, 16125
the physical welfare of the person would be endangered by the 16126
withdrawing of blood. 16127

The bodily substance withdrawn under division (D) (1) (b) of 16128
this section shall be analyzed in accordance with methods 16129
approved by the director of health by an individual possessing a 16130
valid permit issued by the director pursuant to section 3701.143 16131
of the Revised Code. 16132

(c) As used in division (D) (1) (b) of this section, 16133
"emergency medical technician-intermediate" and "emergency 16134
medical technician-paramedic" have the same meanings as in 16135
section 4765.01 of the Revised Code. 16136

(2) In a criminal prosecution or juvenile court proceeding 16137
for a violation of division (A) of this section or for an 16138
equivalent offense that is vehicle-related, if there was at the 16139
time the bodily substance was withdrawn a concentration of less 16140

than the applicable concentration of alcohol specified in 16141
divisions (A) (1) (b), (c), (d), and (e) of this section or less 16142
than the applicable concentration of a listed controlled 16143
substance or a listed metabolite of a controlled substance 16144
specified for a violation of division (A) (1) (j) of this section, 16145
that fact may be considered with other competent evidence in 16146
determining the guilt or innocence of the defendant. This 16147
division does not limit or affect a criminal prosecution or 16148
juvenile court proceeding for a violation of division (B) of 16149
this section or for an equivalent offense that is substantially 16150
equivalent to that division. 16151

(3) Upon the request of the person who was tested, the 16152
results of the chemical test shall be made available to the 16153
person or the person's attorney, immediately upon the completion 16154
of the chemical test analysis. 16155

If the chemical test was obtained pursuant to division (D) 16156
(1) (b) of this section, the person tested may have a physician, 16157
a registered nurse, or a qualified technician, chemist, or 16158
phlebotomist of the person's own choosing administer a chemical 16159
test or tests, at the person's expense, in addition to any 16160
administered at the request of a law enforcement officer. If the 16161
person was under arrest as described in division (A) (5) of 16162
section 4511.191 of the Revised Code, the arresting officer 16163
shall advise the person at the time of the arrest that the 16164
person may have an independent chemical test taken at the 16165
person's own expense. If the person was under arrest other than 16166
described in division (A) (5) of section 4511.191 of the Revised 16167
Code, the form to be read to the person to be tested, as 16168
required under section 4511.192 of the Revised Code, shall state 16169
that the person may have an independent test performed at the 16170
person's expense. The failure or inability to obtain an 16171

additional chemical test by a person shall not preclude the 16172
admission of evidence relating to the chemical test or tests 16173
taken at the request of a law enforcement officer. 16174

(4) (a) As used in divisions (D) (4) (b) and (c) of this 16175
section, "national highway traffic safety administration" means 16176
the national highway traffic safety administration established 16177
as an administration of the United States department of 16178
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 16179

(b) In any criminal prosecution or juvenile court 16180
proceeding for a violation of division (A) or (B) of this 16181
section, of a municipal ordinance relating to operating a 16182
vehicle while under the influence of alcohol, a drug of abuse, 16183
or alcohol and a drug of abuse, or of a municipal ordinance 16184
relating to operating a vehicle with a prohibited concentration 16185
of alcohol, a controlled substance, or a metabolite of a 16186
controlled substance in the whole blood, blood serum or plasma, 16187
breath, or urine, if a law enforcement officer has administered 16188
a field sobriety test to the operator of the vehicle involved in 16189
the violation and if it is shown by clear and convincing 16190
evidence that the officer administered the test in substantial 16191
compliance with the testing standards for any reliable, 16192
credible, and generally accepted field sobriety tests that were 16193
in effect at the time the tests were administered, including, 16194
but not limited to, any testing standards then in effect that 16195
were set by the national highway traffic safety administration, 16196
all of the following apply: 16197

(i) The officer may testify concerning the results of the 16198
field sobriety test so administered. 16199

(ii) The prosecution may introduce the results of the 16200
field sobriety test so administered as evidence in any 16201

proceedings in the criminal prosecution or juvenile court 16202
proceeding. 16203

(iii) If testimony is presented or evidence is introduced 16204
under division (D) (4) (b) (i) or (ii) of this section and if the 16205
testimony or evidence is admissible under the Rules of Evidence, 16206
the court shall admit the testimony or evidence and the trier of 16207
fact shall give it whatever weight the trier of fact considers 16208
to be appropriate. 16209

(c) Division (D) (4) (b) of this section does not limit or 16210
preclude a court, in its determination of whether the arrest of 16211
a person was supported by probable cause or its determination of 16212
any other matter in a criminal prosecution or juvenile court 16213
proceeding of a type described in that division, from 16214
considering evidence or testimony that is not otherwise 16215
disallowed by division (D) (4) (b) of this section. 16216

(E) (1) Subject to division (E) (3) of this section, in any 16217
criminal prosecution or juvenile court proceeding for a 16218
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 16219
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 16220
an equivalent offense that is substantially equivalent to any of 16221
those divisions, a laboratory report from any laboratory 16222
personnel issued a permit by the department of health 16223
authorizing an analysis as described in this division that 16224
contains an analysis of the whole blood, blood serum or plasma, 16225
breath, urine, or other bodily substance tested and that 16226
contains all of the information specified in this division shall 16227
be admitted as prima-facie evidence of the information and 16228
statements that the report contains. The laboratory report shall 16229
contain all of the following: 16230

(a) The signature, under oath, of any person who performed 16231

the analysis; 16232

(b) Any findings as to the identity and quantity of 16233
alcohol, a drug of abuse, a controlled substance, a metabolite 16234
of a controlled substance, or a combination of them that was 16235
found; 16236

(c) A copy of a notarized statement by the laboratory 16237
director or a designee of the director that contains the name of 16238
each certified analyst or test performer involved with the 16239
report, the analyst's or test performer's employment 16240
relationship with the laboratory that issued the report, and a 16241
notation that performing an analysis of the type involved is 16242
part of the analyst's or test performer's regular duties; 16243

(d) An outline of the analyst's or test performer's 16244
education, training, and experience in performing the type of 16245
analysis involved and a certification that the laboratory 16246
satisfies appropriate quality control standards in general and, 16247
in this particular analysis, under rules of the department of 16248
health. 16249

(2) Notwithstanding any other provision of law regarding 16250
the admission of evidence, a report of the type described in 16251
division (E) (1) of this section is not admissible against the 16252
defendant to whom it pertains in any proceeding, other than a 16253
preliminary hearing or a grand jury proceeding, unless the 16254
prosecutor has served a copy of the report on the defendant's 16255
attorney or, if the defendant has no attorney, on the defendant. 16256

(3) A report of the type described in division (E) (1) of 16257
this section shall not be prima-facie evidence of the contents, 16258
identity, or amount of any substance if, within seven days after 16259
the defendant to whom the report pertains or the defendant's 16260

attorney receives a copy of the report, the defendant or the 16261
defendant's attorney demands the testimony of the person who 16262
signed the report. The judge in the case may extend the seven- 16263
day time limit in the interest of justice. 16264

(F) Except as otherwise provided in this division, any 16265
physician, registered nurse, emergency medical technician- 16266
intermediate, emergency medical technician-paramedic, or 16267
qualified technician, chemist, or phlebotomist who withdraws 16268
blood from a person pursuant to this section or section 4511.191 16269
or 4511.192 of the Revised Code, and any hospital, first-aid 16270
station, or clinic at which blood is withdrawn from a person 16271
pursuant to this section or section 4511.191 or 4511.192 of the 16272
Revised Code, is immune from criminal liability and civil 16273
liability based upon a claim of assault and battery or any other 16274
claim that is not a claim of malpractice, for any act performed 16275
in withdrawing blood from the person. The immunity provided in 16276
this division also extends to an emergency medical service 16277
organization that employs an emergency medical technician- 16278
intermediate or emergency medical technician-paramedic who 16279
withdraws blood under this section. The immunity provided in 16280
this division is not available to a person who withdraws blood 16281
if the person engages in willful or wanton misconduct. 16282

As used in this division, "emergency medical technician- 16283
intermediate" and "emergency medical technician-paramedic" have 16284
the same meanings as in section 4765.01 of the Revised Code. 16285

(G) (1) Whoever violates any provision of divisions (A) (1) 16286
(a) to (i) or (A) (2) of this section is guilty of operating a 16287
vehicle under the influence of alcohol, a drug of abuse, or a 16288
combination of them. Whoever violates division (A) (1) (j) of this 16289
section is guilty of operating a vehicle while under the 16290

influence of a listed controlled substance or a listed 16291
metabolite of a controlled substance. The court shall sentence 16292
the offender for either offense under Chapter 2929. of the 16293
Revised Code, except as otherwise authorized or required by 16294
divisions (G)(1)(a) to (e) of this section: 16295

(a) Except as otherwise provided in division (G)(1)(b), 16296
(c), (d), or (e) of this section, the offender is guilty of a 16297
misdemeanor of the first degree, and the court shall sentence 16298
the offender to all of the following: 16299

(i) If the sentence is being imposed for a violation of 16300
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 16301
a mandatory jail term of three consecutive days. As used in this 16302
division, three consecutive days means seventy-two consecutive 16303
hours. The court may sentence an offender to both an 16304
intervention program and a jail term. The court may impose a 16305
jail term in addition to the three-day mandatory jail term or 16306
intervention program. However, in no case shall the cumulative 16307
jail term imposed for the offense exceed six months. 16308

The court may suspend the execution of the three-day jail 16309
term under this division if the court, in lieu of that suspended 16310
term, places the offender under a community control sanction 16311
pursuant to section 2929.25 of the Revised Code and requires the 16312
offender to attend, for three consecutive days, a drivers' 16313
intervention program certified under section 5119.38 of the 16314
Revised Code. The court also may suspend the execution of any 16315
part of the three-day jail term under this division if it places 16316
the offender under a community control sanction pursuant to 16317
section 2929.25 of the Revised Code for part of the three days, 16318
requires the offender to attend for the suspended part of the 16319
term a drivers' intervention program so certified, and sentences 16320

the offender to a jail term equal to the remainder of the three 16321
consecutive days that the offender does not spend attending the 16322
program. The court may require the offender, as a condition of 16323
community control and in addition to the required attendance at 16324
a drivers' intervention program, to attend and satisfactorily 16325
complete any treatment or education programs that comply with 16326
the minimum standards adopted pursuant to Chapter 5119. of the 16327
Revised Code by the director of mental health and addiction 16328
services that the operators of the drivers' intervention program 16329
determine that the offender should attend and to report 16330
periodically to the court on the offender's progress in the 16331
programs. The court also may impose on the offender any other 16332
conditions of community control that it considers necessary. 16333

If the court grants unlimited driving privileges to a 16334
first-time offender under section 4510.022 of the Revised Code, 16335
all penalties imposed upon the offender by the court under 16336
division (G) (1) (a) (i) of this section for the offense apply, 16337
except that the court shall suspend any mandatory or additional 16338
jail term imposed by the court under division (G) (1) (a) (i) of 16339
this section upon granting unlimited driving privileges in 16340
accordance with section 4510.022 of the Revised Code. 16341

(ii) If the sentence is being imposed for a violation of 16342
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 16343
section, except as otherwise provided in this division, a 16344
mandatory jail term of at least three consecutive days and a 16345
requirement that the offender attend, for three consecutive 16346
days, a drivers' intervention program that is certified pursuant 16347
to section 5119.38 of the Revised Code. As used in this 16348
division, three consecutive days means seventy-two consecutive 16349
hours. If the court determines that the offender is not 16350
conducive to treatment in a drivers' intervention program, if 16351

the offender refuses to attend a drivers' intervention program, 16352
or if the jail at which the offender is to serve the jail term 16353
imposed can provide a driver's intervention program, the court 16354
shall sentence the offender to a mandatory jail term of at least 16355
six consecutive days. 16356

If the court grants unlimited driving privileges to a 16357
first-time offender under section 4510.022 of the Revised Code, 16358
all penalties imposed upon the offender by the court under 16359
division (G) (1) (a) (ii) of this section for the offense apply, 16360
except that the court shall suspend any mandatory or additional 16361
jail term imposed by the court under division (G) (1) (a) (ii) of 16362
this section upon granting unlimited driving privileges in 16363
accordance with section 4510.022 of the Revised Code. 16364

The court may require the offender, under a community 16365
control sanction imposed under section 2929.25 of the Revised 16366
Code, to attend and satisfactorily complete any treatment or 16367
education programs that comply with the minimum standards 16368
adopted pursuant to Chapter 5119. of the Revised Code by the 16369
director of mental health and addiction services, in addition to 16370
the required attendance at drivers' intervention program, that 16371
the operators of the drivers' intervention program determine 16372
that the offender should attend and to report periodically to 16373
the court on the offender's progress in the programs. The court 16374
also may impose any other conditions of community control on the 16375
offender that it considers necessary. 16376

(iii) In all cases, a fine of not less than three hundred 16377
seventy-five and not more than one thousand seventy-five 16378
dollars; 16379

(iv) In all cases, a suspension of the offender's driver's 16380
or commercial driver's license or permit or nonresident 16381

operating privilege for a definite period of one to three years. 16382
The court may grant limited driving privileges relative to the 16383
suspension under sections 4510.021 and 4510.13 of the Revised 16384
Code. The court may grant unlimited driving privileges with an 16385
ignition interlock device relative to the suspension and may 16386
reduce the period of suspension as authorized under section 16387
4510.022 of the Revised Code. 16388

(b) Except as otherwise provided in division (G)(1)(e) of 16389
this section, an offender who, within ten years of the offense, 16390
previously has been convicted of or pleaded guilty to one 16391
violation of division (A) or (B) of this section or one other 16392
equivalent offense is guilty of a misdemeanor of the first 16393
degree. The court shall sentence the offender to all of the 16394
following: 16395

(i) If the sentence is being imposed for a violation of 16396
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 16397
a mandatory jail term of ten consecutive days. The court shall 16398
impose the ten-day mandatory jail term under this division 16399
unless, subject to division (G)(3) of this section, it instead 16400
imposes a sentence under that division consisting of both a jail 16401
term and a term of house arrest with electronic monitoring, with 16402
continuous alcohol monitoring, or with both electronic 16403
monitoring and continuous alcohol monitoring. The court may 16404
impose a jail term in addition to the ten-day mandatory jail 16405
term. The cumulative jail term imposed for the offense shall not 16406
exceed six months. 16407

In addition to the jail term or the term of house arrest 16408
with electronic monitoring or continuous alcohol monitoring or 16409
both types of monitoring and jail term, the court shall require 16410
the offender to be assessed by a community addiction services 16411

provider that is authorized by section 5119.21 of the Revised 16412
Code, subject to division (I) of this section, and shall order 16413
the offender to follow the treatment recommendations of the 16414
services provider. The purpose of the assessment is to determine 16415
the degree of the offender's alcohol usage and to determine 16416
whether or not treatment is warranted. Upon the request of the 16417
court, the services provider shall submit the results of the 16418
assessment to the court, including all treatment recommendations 16419
and clinical diagnoses related to alcohol use. 16420

(ii) If the sentence is being imposed for a violation of 16421
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 16422
section, except as otherwise provided in this division, a 16423
mandatory jail term of twenty consecutive days. The court shall 16424
impose the twenty-day mandatory jail term under this division 16425
unless, subject to division (G)(3) of this section, it instead 16426
imposes a sentence under that division consisting of both a jail 16427
term and a term of house arrest with electronic monitoring, with 16428
continuous alcohol monitoring, or with both electronic 16429
monitoring and continuous alcohol monitoring. The court may 16430
impose a jail term in addition to the twenty-day mandatory jail 16431
term. The cumulative jail term imposed for the offense shall not 16432
exceed six months. 16433

In addition to the jail term or the term of house arrest 16434
with electronic monitoring or continuous alcohol monitoring or 16435
both types of monitoring and jail term, the court shall require 16436
the offender to be assessed by a community addiction service 16437
provider that is authorized by section 5119.21 of the Revised 16438
Code, subject to division (I) of this section, and shall order 16439
the offender to follow the treatment recommendations of the 16440
services provider. The purpose of the assessment is to determine 16441
the degree of the offender's alcohol usage and to determine 16442

whether or not treatment is warranted. 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.

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

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

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

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

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

division unless, subject to division (G) (3) of this section, it 16472
instead imposes a sentence under that division consisting of 16473
both a jail term and a term of house arrest with electronic 16474
monitoring, with continuous alcohol monitoring, or with both 16475
electronic monitoring and continuous alcohol monitoring. The 16476
court may impose a jail term in addition to the thirty-day 16477
mandatory jail term. Notwithstanding the jail terms set forth in 16478
sections 2929.21 to 2929.28 of the Revised Code, the additional 16479
jail term shall not exceed one year, and the cumulative jail 16480
term imposed for the offense shall not exceed one year. 16481

(ii) If the sentence is being imposed for a violation of 16482
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 16483
section, a mandatory jail term of sixty consecutive days. The 16484
court shall impose the sixty-day mandatory jail term under this 16485
division unless, subject to division (G) (3) of this section, it 16486
instead imposes a sentence under that division consisting of 16487
both a jail term and a term of house arrest with electronic 16488
monitoring, with continuous alcohol monitoring, or with both 16489
electronic monitoring and continuous alcohol monitoring. The 16490
court may impose a jail term in addition to the sixty-day 16491
mandatory jail term. Notwithstanding the jail terms set forth in 16492
sections 2929.21 to 2929.28 of the Revised Code, the additional 16493
jail term shall not exceed one year, and the cumulative jail 16494
term imposed for the offense shall not exceed one year. 16495

(iii) In all cases, notwithstanding the fines set forth in 16496
Chapter 2929. of the Revised Code, a fine of not less than eight 16497
hundred fifty and not more than two thousand seven hundred fifty 16498
dollars; 16499

(iv) In all cases, a suspension of the offender's driver's 16500
license, commercial driver's license, temporary instruction 16501

permit, probationary license, or nonresident operating privilege 16502
for a definite period of two to twelve years. The court may 16503
grant limited driving privileges relative to the suspension 16504
under sections 4510.021 and 4510.13 of the Revised Code. 16505

(v) In all cases, if the vehicle is registered in the 16506
offender's name, criminal forfeiture of the vehicle involved in 16507
the offense in accordance with section 4503.234 of the Revised 16508
Code. Division (G) (6) of this section applies regarding any 16509
vehicle that is subject to an order of criminal forfeiture under 16510
this division. 16511

(vi) In all cases, the court shall order the offender to 16512
participate with a community addiction services provider 16513
authorized by section 5119.21 of the Revised Code, subject to 16514
division (I) of this section, and shall order the offender to 16515
follow the treatment recommendations of the services provider. 16516
The operator of the services provider shall determine and assess 16517
the degree of the offender's alcohol dependency and shall make 16518
recommendations for treatment. Upon the request of the court, 16519
the services provider shall submit the results of the assessment 16520
to the court, including all treatment recommendations and 16521
clinical diagnoses related to alcohol use. 16522

(d) Except as otherwise provided in division (G) (1) (e) of 16523
this section, an offender who, within ten years of the offense, 16524
previously has been convicted of or pleaded guilty to three or 16525
four violations of division (A) or (B) of this section or other 16526
equivalent offenses or an offender who, within twenty years of 16527
the offense, previously has been convicted of or pleaded guilty 16528
to five or more violations of that nature is guilty of a felony 16529
of the fourth degree. The court shall sentence the offender to 16530
all of the following: 16531

(i) If the sentence is being imposed for a violation of 16532
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 16533
a mandatory prison term of one, two, three, four, or five years 16534
as required by and in accordance with division (G)(2) of section 16535
2929.13 of the Revised Code if the offender also is convicted of 16536
or also pleads guilty to a specification of the type described 16537
in section 2941.1413 of the Revised Code or, in the discretion 16538
of the court, either a mandatory term of local incarceration of 16539
sixty consecutive days in accordance with division (G)(1) of 16540
section 2929.13 of the Revised Code or a mandatory prison term 16541
of sixty consecutive days in accordance with division (G)(2) of 16542
that section if the offender is not convicted of and does not 16543
plead guilty to a specification of that type. If the court 16544
imposes a mandatory term of local incarceration, it may impose a 16545
jail term in addition to the sixty-day mandatory term, the 16546
cumulative total of the mandatory term and the jail term for the 16547
offense shall not exceed one year, and, except as provided in 16548
division (A)(1) of section 2929.13 of the Revised Code, no 16549
prison term is authorized for the offense. If the court imposes 16550
a mandatory prison term, notwithstanding division (A)(4) of 16551
section 2929.14 of the Revised Code, it also may sentence the 16552
offender to a definite prison term that shall be not less than 16553
six months and not more than thirty months and the prison terms 16554
shall be imposed as described in division (G)(2) of section 16555
2929.13 of the Revised Code. If the court imposes a mandatory 16556
prison term or mandatory prison term and additional prison term, 16557
in addition to the term or terms so imposed, the court also may 16558
sentence the offender to a community control sanction for the 16559
offense, but the offender shall serve all of the prison terms so 16560
imposed prior to serving the community control sanction. 16561

(ii) If the sentence is being imposed for a violation of 16562

division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 16563
section, a mandatory prison term of one, two, three, four, or 16564
five years as required by and in accordance with division (G) (2) 16565
of section 2929.13 of the Revised Code if the offender also is 16566
convicted of or also pleads guilty to a specification of the 16567
type described in section 2941.1413 of the Revised Code or, in 16568
the discretion of the court, either a mandatory term of local 16569
incarceration of one hundred twenty consecutive days in 16570
accordance with division (G) (1) of section 2929.13 of the 16571
Revised Code or a mandatory prison term of one hundred twenty 16572
consecutive days in accordance with division (G) (2) of that 16573
section if the offender is not convicted of and does not plead 16574
guilty to a specification of that type. If the court imposes a 16575
mandatory term of local incarceration, it may impose a jail term 16576
in addition to the one hundred twenty-day mandatory term, the 16577
cumulative total of the mandatory term and the jail term for the 16578
offense shall not exceed one year, and, except as provided in 16579
division (A) (1) of section 2929.13 of the Revised Code, no 16580
prison term is authorized for the offense. If the court imposes 16581
a mandatory prison term, notwithstanding division (A) (4) of 16582
section 2929.14 of the Revised Code, it also may sentence the 16583
offender to a definite prison term that shall be not less than 16584
six months and not more than thirty months and the prison terms 16585
shall be imposed as described in division (G) (2) of section 16586
2929.13 of the Revised Code. If the court imposes a mandatory 16587
prison term or mandatory prison term and additional prison term, 16588
in addition to the term or terms so imposed, the court also may 16589
sentence the offender to a community control sanction for the 16590
offense, but the offender shall serve all of the prison terms so 16591
imposed prior to serving the community control sanction. 16592

(iii) In all cases, notwithstanding section 2929.18 of the 16593

Revised Code, a fine of not less than one thousand three hundred 16594
fifty nor more than ten thousand five hundred dollars; 16595

(iv) In all cases, a class two license suspension of the 16596
offender's driver's license, commercial driver's license, 16597
temporary instruction permit, probationary license, or 16598
nonresident operating privilege from the range specified in 16599
division (A) (2) of section 4510.02 of the Revised Code. The 16600
court may grant limited driving privileges relative to the 16601
suspension under sections 4510.021 and 4510.13 of the Revised 16602
Code. 16603

(v) In all cases, if the vehicle is registered in the 16604
offender's name, criminal forfeiture of the vehicle involved in 16605
the offense in accordance with section 4503.234 of the Revised 16606
Code. Division (G) (6) of this section applies regarding any 16607
vehicle that is subject to an order of criminal forfeiture under 16608
this division. 16609

(vi) In all cases, the court shall order the offender to 16610
participate with a community addiction services provider 16611
authorized by section 5119.21 of the Revised Code, subject to 16612
division (I) of this section, and shall order the offender to 16613
follow the treatment recommendations of the services provider. 16614
The operator of the services provider shall determine and assess 16615
the degree of the offender's alcohol dependency and shall make 16616
recommendations for treatment. Upon the request of the court, 16617
the services provider shall submit the results of the assessment 16618
to the court, including all treatment recommendations and 16619
clinical diagnoses related to alcohol use. 16620

(vii) In all cases, if the court sentences the offender to 16621
a mandatory term of local incarceration, in addition to the 16622
mandatory term, the court, pursuant to section 2929.17 of the 16623

Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender has served the mandatory term of local incarceration.

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

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

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

section, a mandatory prison term of one, two, three, four, or 16654
five years as required by and in accordance with division (G) (2) 16655
of section 2929.13 of the Revised Code if the offender also is 16656
convicted of or also pleads guilty to a specification of the 16657
type described in section 2941.1413 of the Revised Code or a 16658
mandatory prison term of one hundred twenty consecutive days in 16659
accordance with division (G) (2) of section 2929.13 of the 16660
Revised Code if the offender is not convicted of and does not 16661
plead guilty to a specification of that type. The court may 16662
impose a prison term in addition to the mandatory prison term. 16663
The cumulative total of a one hundred twenty-day mandatory 16664
prison term and the additional prison term for the offense shall 16665
not exceed five years. In addition to the mandatory prison term 16666
or mandatory prison term and additional prison term the court 16667
imposes, the court also may sentence the offender to a community 16668
control sanction for the offense, but the offender shall serve 16669
all of the prison terms so imposed prior to serving the 16670
community control sanction. 16671

(iii) In all cases, notwithstanding section 2929.18 of the 16672
Revised Code, a fine of not less than one thousand three hundred 16673
fifty nor more than ten thousand five hundred dollars; 16674

(iv) In all cases, a class two license suspension of the 16675
offender's driver's license, commercial driver's license, 16676
temporary instruction permit, probationary license, or 16677
nonresident operating privilege from the range specified in 16678
division (A) (2) of section 4510.02 of the Revised Code. The 16679
court may grant limited driving privileges relative to the 16680
suspension under sections 4510.021 and 4510.13 of the Revised 16681
Code. 16682

(v) In all cases, if the vehicle is registered in the 16683

offender's name, criminal forfeiture of the vehicle involved in 16684
the offense in accordance with section 4503.234 of the Revised 16685
Code. Division (G) (6) of this section applies regarding any 16686
vehicle that is subject to an order of criminal forfeiture under 16687
this division. 16688

(vi) In all cases, the court shall order the offender to 16689
participate with a community addiction services provider 16690
authorized by section 5119.21 of the Revised Code, subject to 16691
division (I) of this section, and shall order the offender to 16692
follow the treatment recommendations of the services provider. 16693
The operator of the services provider shall determine and assess 16694
the degree of the offender's alcohol dependency and shall make 16695
recommendations for treatment. Upon the request of the court, 16696
the services provider shall submit the results of the assessment 16697
to the court, including all treatment recommendations and 16698
clinical diagnoses related to alcohol use. 16699

(2) An offender who is convicted of or pleads guilty to a 16700
violation of division (A) of this section and who subsequently 16701
seeks reinstatement of the driver's or occupational driver's 16702
license or permit or nonresident operating privilege suspended 16703
under this section as a result of the conviction or guilty plea 16704
shall pay a reinstatement fee as provided in division (F) (2) of 16705
section 4511.191 of the Revised Code. 16706

(3) If an offender is sentenced to a jail term under 16707
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 16708
section and if, within sixty days of sentencing of the offender, 16709
the court issues a written finding on the record that, due to 16710
the unavailability of space at the jail where the offender is 16711
required to serve the term, the offender will not be able to 16712
begin serving that term within the sixty-day period following 16713

the date of sentencing, the court may impose an alternative 16714
sentence under this division that includes a term of house 16715
arrest with electronic monitoring, with continuous alcohol 16716
monitoring, or with both electronic monitoring and continuous 16717
alcohol monitoring. 16718

As an alternative to a mandatory jail term of ten 16719
consecutive days required by division (G) (1) (b) (i) of this 16720
section, the court, under this division, may sentence the 16721
offender to five consecutive days in jail and not less than 16722
eighteen consecutive days of house arrest with electronic 16723
monitoring, with continuous alcohol monitoring, or with both 16724
electronic monitoring and continuous alcohol monitoring. The 16725
cumulative total of the five consecutive days in jail and the 16726
period of house arrest with electronic monitoring, continuous 16727
alcohol monitoring, or both types of monitoring shall not exceed 16728
six months. The five consecutive days in jail do not have to be 16729
served prior to or consecutively to the period of house arrest. 16730

As an alternative to the mandatory jail term of twenty 16731
consecutive days required by division (G) (1) (b) (ii) of this 16732
section, the court, under this division, may sentence the 16733
offender to ten consecutive days in jail and not less than 16734
thirty-six consecutive days of house arrest with electronic 16735
monitoring, with continuous alcohol monitoring, or with both 16736
electronic monitoring and continuous alcohol monitoring. The 16737
cumulative total of the ten consecutive days in jail and the 16738
period of house arrest with electronic monitoring, continuous 16739
alcohol monitoring, or both types of monitoring shall not exceed 16740
six months. The ten consecutive days in jail do not have to be 16741
served prior to or consecutively to the period of house arrest. 16742

As an alternative to a mandatory jail term of thirty 16743

consecutive days required by division (G) (1) (c) (i) of this 16744
section, the court, under this division, may sentence the 16745
offender to fifteen consecutive days in jail and not less than 16746
fifty-five consecutive days of house arrest with electronic 16747
monitoring, with continuous alcohol monitoring, or with both 16748
electronic monitoring and continuous alcohol monitoring. The 16749
cumulative total of the fifteen consecutive days in jail and the 16750
period of house arrest with electronic monitoring, continuous 16751
alcohol monitoring, or both types of monitoring shall not exceed 16752
one year. The fifteen consecutive days in jail do not have to be 16753
served prior to or consecutively to the period of house arrest. 16754

As an alternative to the mandatory jail term of sixty 16755
consecutive days required by division (G) (1) (c) (ii) of this 16756
section, the court, under this division, may sentence the 16757
offender to thirty consecutive days in jail and not less than 16758
one hundred ten consecutive days of house arrest with electronic 16759
monitoring, with continuous alcohol monitoring, or with both 16760
electronic monitoring and continuous alcohol monitoring. The 16761
cumulative total of the thirty consecutive days in jail and the 16762
period of house arrest with electronic monitoring, continuous 16763
alcohol monitoring, or both types of monitoring shall not exceed 16764
one year. The thirty consecutive days in jail do not have to be 16765
served prior to or consecutively to the period of house arrest. 16766

(4) If an offender's driver's or occupational driver's 16767
license or permit or nonresident operating privilege is 16768
suspended under division (G) of this section and if section 16769
4510.13 of the Revised Code permits the court to grant limited 16770
driving privileges, the court may grant the limited driving 16771
privileges in accordance with that section. If division (A) (7) 16772
of that section requires that the court impose as a condition of 16773
the privileges that the offender must display on the vehicle 16774

that is driven subject to the privileges restricted license 16775
plates that are issued under section 4503.231 of the Revised 16776
Code, except as provided in division (B) of that section, the 16777
court shall impose that condition as one of the conditions of 16778
the limited driving privileges granted to the offender, except 16779
as provided in division (B) of section 4503.231 of the Revised 16780
Code. 16781

(5) Fines imposed under this section for a violation of 16782
division (A) of this section shall be distributed as follows: 16783

(a) Twenty-five dollars of the fine imposed under division 16784
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 16785
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 16786
fine imposed under division (G) (1) (c) (iii), and two hundred ten 16787
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 16788
(iii) of this section shall be paid to an enforcement and 16789
education fund established by the legislative authority of the 16790
law enforcement agency in this state that primarily was 16791
responsible for the arrest of the offender, as determined by the 16792
court that imposes the fine. The agency shall use this share to 16793
pay only those costs it incurs in enforcing this section or a 16794
municipal OVI ordinance and in informing the public of the laws 16795
governing the operation of a vehicle while under the influence 16796
of alcohol, the dangers of the operation of a vehicle under the 16797
influence of alcohol, and other information relating to the 16798
operation of a vehicle under the influence of alcohol and the 16799
consumption of alcoholic beverages. 16800

(b) Fifty dollars of the fine imposed under division (G) 16801
(1) (a) (iii) of this section shall be paid to the political 16802
subdivision that pays the cost of housing the offender during 16803
the offender's term of incarceration. If the offender is being 16804

sentenced for a violation of division (A) (1) (a), (b), (c), (d), 16805
(e), or (j) of this section and was confined as a result of the 16806
offense prior to being sentenced for the offense but is not 16807
sentenced to a term of incarceration, the fifty dollars shall be 16808
paid to the political subdivision that paid the cost of housing 16809
the offender during that period of confinement. The political 16810
subdivision shall use the share under this division to pay or 16811
reimburse incarceration or treatment costs it incurs in housing 16812
or providing drug and alcohol treatment to persons who violate 16813
this section or a municipal OVI ordinance, costs of any 16814
immobilizing or disabling device used on the offender's vehicle, 16815
and costs of electronic house arrest equipment needed for 16816
persons who violate this section. 16817

(c) Twenty-five dollars of the fine imposed under division 16818
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 16819
division (G) (1) (b) (iii) of this section shall be deposited into 16820
the county or municipal indigent drivers' alcohol treatment fund 16821
under the control of that court, as created by the county or 16822
municipal corporation under division (F) of section 4511.191 of 16823
the Revised Code. 16824

(d) One hundred fifteen dollars of the fine imposed under 16825
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 16826
the fine imposed under division (G) (1) (c) (iii), and four hundred 16827
forty dollars of the fine imposed under division (G) (1) (d) (iii) 16828
or (e) (iii) of this section shall be paid to the political 16829
subdivision that pays the cost of housing the offender during 16830
the offender's term of incarceration. The political subdivision 16831
shall use this share to pay or reimburse incarceration or 16832
treatment costs it incurs in housing or providing drug and 16833
alcohol treatment to persons who violate this section or a 16834
municipal OVI ordinance, costs for any immobilizing or disabling 16835

device used on the offender's vehicle, and costs of electronic 16836
house arrest equipment needed for persons who violate this 16837
section. 16838

(e) Fifty dollars of the fine imposed under divisions (G) 16839
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 16840
(G) (1) (e) (iii) of this section shall be deposited into the 16841
special projects fund of the court in which the offender was 16842
convicted and that is established under division (E) (1) of 16843
section 2303.201, division (B) (1) of section 1901.26, or 16844
division (B) (1) of section 1907.24 of the Revised Code, to be 16845
used exclusively to cover the cost of immobilizing or disabling 16846
devices, including certified ignition interlock devices, and 16847
remote alcohol monitoring devices for indigent offenders who are 16848
required by a judge to use either of these devices. If the court 16849
in which the offender was convicted does not have a special 16850
projects fund that is established under division (E) (1) of 16851
section 2303.201, division (B) (1) of section 1901.26, or 16852
division (B) (1) of section 1907.24 of the Revised Code, the 16853
fifty dollars shall be deposited into the indigent drivers 16854
interlock and alcohol monitoring fund under division (I) of 16855
section 4511.191 of the Revised Code. 16856

(f) Seventy-five dollars of the fine imposed under 16857
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 16858
fine imposed under division (G) (1) (b) (iii), two hundred fifty 16859
dollars of the fine imposed under division (G) (1) (c) (iii), and 16860
five hundred dollars of the fine imposed under division (G) (1) 16861
(d) (iii) or (e) (iii) of this section shall be transmitted to the 16862
treasurer of state for deposit into the indigent defense support 16863
fund established under section 120.08 of the Revised Code. 16864

(g) The balance of the fine imposed under division (G) (1) 16865

(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this section shall be disbursed as otherwise provided by law.

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

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

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

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

(b) The test or tests were of the offender's whole blood, 16896
blood serum or plasma, or urine. 16897

(c) The test or tests indicated that the offender had a 16898
prohibited concentration of a controlled substance or a 16899
metabolite of a controlled substance in the offender's whole 16900
blood, blood serum or plasma, or urine at the time of the 16901
offense. 16902

(9) As used in division (G) of this section, "electronic 16903
monitoring," "mandatory prison term," and "mandatory term of 16904
local incarceration" have the same meanings as in section 16905
2929.01 of the Revised Code. 16906

(H) Whoever violates division (B) of this section is 16907
guilty of operating a vehicle after underage alcohol consumption 16908
and shall be punished as follows: 16909

(1) Except as otherwise provided in division (H) (2) of 16910
this section, the offender is guilty of a misdemeanor of the 16911
fourth degree. In addition to any other sanction imposed for the 16912
offense, the court shall impose a class six suspension of the 16913
offender's driver's license, commercial driver's license, 16914
temporary instruction permit, probationary license, or 16915
nonresident operating privilege from the range specified in 16916
division (A) (6) of section 4510.02 of the Revised Code. The 16917
court may grant limited driving privileges relative to the 16918
suspension under sections 4510.021 and 4510.13 of the Revised 16919
Code. The court may grant unlimited driving privileges with an 16920
ignition interlock device relative to the suspension and may 16921
reduce the period of suspension as authorized under section 16922
4510.022 of the Revised Code. If the court grants unlimited 16923
driving privileges under section 4510.022 of the Revised Code, 16924
the court shall suspend any jail term imposed under division (H) 16925

(1) of this section as required under that section. 16926

(2) If, within one year of the offense, the offender 16927
previously has been convicted of or pleaded guilty to one or 16928
more violations of division (A) or (B) of this section or other 16929
equivalent offenses, the offender is guilty of a misdemeanor of 16930
the third degree. In addition to any other sanction imposed for 16931
the offense, the court shall impose a class four suspension of 16932
the offender's driver's license, commercial driver's license, 16933
temporary instruction permit, probationary license, or 16934
nonresident operating privilege from the range specified in 16935
division (A) (4) of section 4510.02 of the Revised Code. The 16936
court may grant limited driving privileges relative to the 16937
suspension under sections 4510.021 and 4510.13 of the Revised 16938
Code. 16939

(3) If the offender also is convicted of or also pleads 16940
guilty to a specification of the type described in section 16941
2941.1416 of the Revised Code and if the court imposes a jail 16942
term for the violation of division (B) of this section, the 16943
court shall impose upon the offender an additional definite jail 16944
term pursuant to division (E) of section 2929.24 of the Revised 16945
Code. 16946

(4) The offender shall provide the court with proof of 16947
financial responsibility as defined in section 4509.01 of the 16948
Revised Code. If the offender fails to provide that proof of 16949
financial responsibility, then, in addition to any other 16950
penalties provided by law, the court may order restitution 16951
pursuant to section 2929.28 of the Revised Code in an amount not 16952
exceeding five thousand dollars for any economic loss arising 16953
from an accident or collision that was the direct and proximate 16954
result of the offender's operation of the vehicle before, 16955

during, or after committing the violation of division (B) of 16956
this section. 16957

(I) (1) No court shall sentence an offender to an alcohol 16958
treatment program under this section unless the treatment 16959
program complies with the minimum standards for alcohol 16960
treatment programs adopted under Chapter 5119. of the Revised 16961
Code by the director of mental health and addiction services. 16962

(2) An offender who stays in a drivers' intervention 16963
program or in an alcohol treatment program under an order issued 16964
under this section shall pay the cost of the stay in the 16965
program. However, if the court determines that an offender who 16966
stays in an alcohol treatment program under an order issued 16967
under this section is unable to pay the cost of the stay in the 16968
program, the court may order that the cost be paid from the 16969
court's indigent drivers' alcohol treatment fund. 16970

(J) If a person whose driver's or commercial driver's 16971
license or permit or nonresident operating privilege is 16972
suspended under this section files an appeal regarding any 16973
aspect of the person's trial or sentence, the appeal itself does 16974
not stay the operation of the suspension. 16975

(K) Division (A) (1) (j) of this section does not apply to a 16976
person who operates a vehicle, streetcar, or trackless trolley 16977
while the person has a concentration of a listed controlled 16978
substance or a listed metabolite of a controlled substance in 16979
the person's whole blood, blood serum or plasma, or urine that 16980
equals or exceeds the amount specified in that division, if both 16981
of the following apply: 16982

(1) The person obtained the controlled substance pursuant 16983
to a prescription issued by a licensed health professional 16984

authorized to prescribe drugs. 16985

(2) The person injected, ingested, or inhaled the 16986
controlled substance in accordance with the health 16987
professional's directions. 16988

(L) The prohibited concentrations of a controlled 16989
substance or a metabolite of a controlled substance listed in 16990
division (A) (1) (j) of this section also apply in a prosecution 16991
of a violation of division (D) of section 2923.16 of the Revised 16992
Code in the same manner as if the offender is being prosecuted 16993
for a prohibited concentration of alcohol. 16994

(M) All terms defined in section 4510.01 of the Revised 16995
Code apply to this section. If the meaning of a term defined in 16996
section 4510.01 of the Revised Code conflicts with the meaning 16997
of the same term as defined in section 4501.01 or 4511.01 of the 16998
Revised Code, the term as defined in section 4510.01 of the 16999
Revised Code applies to this section. 17000

(N) (1) The Ohio Traffic Rules in effect on January 1, 17001
2004, as adopted by the supreme court under authority of section 17002
2937.46 of the Revised Code, do not apply to felony violations 17003
of this section. Subject to division (N) (2) of this section, the 17004
Rules of Criminal Procedure apply to felony violations of this 17005
section. 17006

(2) If, on or after January 1, 2004, the supreme court 17007
modifies the Ohio Traffic Rules to provide procedures to govern 17008
felony violations of this section, the modified rules shall 17009
apply to felony violations of this section. 17010

Sec. 4729.99. (A) Whoever violates division (H) of section 17011
4729.16, division (G) of section 4729.38, division (I) of 17012
section 4729.382, section 4729.57, or division (F) of section 17013

4729.96 of the Revised Code is guilty of a minor misdemeanor, 17014
unless a different penalty is otherwise specified in the Revised 17015
Code. Each day's violation constitutes a separate offense. 17016

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 17017
of the Revised Code is guilty of a misdemeanor of the third 17018
degree. Each day's violation constitutes a separate offense. If 17019
the offender previously has been convicted of or pleaded guilty 17020
to a violation of this chapter, that person is guilty of a 17021
misdemeanor of the second degree. 17022

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 17023
of the Revised Code is guilty of a misdemeanor. 17024

(D) Whoever violates division (A), (B), (C), (D), (F), or 17025
(G) of section 4729.51 of the Revised Code is guilty of a 17026
misdemeanor of the first degree. 17027

(E) (1) Whoever violates section 4729.37, division (E) (1) 17028
(b) of section 4729.51, division (J) of section 4729.54, 17029
division (B) or (D) of section 4729.553, or section 4729.61 of 17030
the Revised Code is guilty of a felony of the fifth degree. If 17031
the offender previously has been convicted of or pleaded guilty 17032
to a violation of this chapter or a violation of Chapter 2925. 17033
or 3719. of the Revised Code, that person is guilty of a felony 17034
of the fourth degree. 17035

(2) If an offender is convicted of or pleads guilty to a 17036
violation of section 4729.37, division (E) of section 4729.51, 17037
division (J) of section 4729.54, or section 4729.61 of the 17038
Revised Code, if the violation involves the sale, offer to sell, 17039
or possession of a schedule I or II controlled substance, with 17040
the exception of ~~marihuana~~marijuana, and if the court imposing 17041
sentence upon the offender finds that the offender as a result 17042

of the violation is a major drug offender, as defined in section 17043
2929.01 of the Revised Code, and is guilty of a specification of 17044
the type described in division (A) of section 2941.1410 of the 17045
Revised Code, the court, in lieu of the prison term authorized 17046
or required by division (E)(1) of this section and sections 17047
2929.13 and 2929.14 of the Revised Code and in addition to any 17048
other sanction imposed for the offense under sections 2929.11 to 17049
2929.18 of the Revised Code, shall impose upon the offender, in 17050
accordance with division (B)(3) of section 2929.14 of the 17051
Revised Code, the mandatory prison term specified in that 17052
division. 17053

(3) Notwithstanding any contrary provision of section 17054
3719.21 of the Revised Code, the clerk of court shall pay any 17055
fine imposed for a violation of section 4729.37, division (E) of 17056
section 4729.51, division (J) of section 4729.54, or section 17057
4729.61 of the Revised Code pursuant to division (A) of section 17058
2929.18 of the Revised Code in accordance with and subject to 17059
the requirements of ~~division (F) of section 2925.03-2925.10~~ of 17060
the Revised Code. The agency that receives the fine shall use 17061
the fine as specified in ~~division (F) of section 2925.03-2925.10~~ 17062
of the Revised Code. 17063

(F) Whoever violates section 4729.531 of the Revised Code 17064
or any rule adopted thereunder or section 4729.532 of the 17065
Revised Code is guilty of a misdemeanor of the first degree. 17066

(G) Whoever violates division (E)(1)(a) of section 4729.51 17067
of the Revised Code is guilty of a felony of the fourth degree. 17068
If the offender has previously been convicted of or pleaded 17069
guilty to a violation of this chapter, or of a violation of 17070
Chapter 2925. or 3719. of the Revised Code, that person is 17071
guilty of a felony of the third degree. 17072

(H) Whoever violates division (E) (1) (c) of section 4729.51 17073
of the Revised Code is guilty of a misdemeanor of the first 17074
degree. If the offender has previously been convicted of or 17075
pleaded guilty to a violation of this chapter, or of a violation 17076
of Chapter 2925. or 3719. of the Revised Code, that person is 17077
guilty of a felony of the fifth degree. 17078

(I) (1) Whoever violates division (A) of section 4729.95 of 17079
the Revised Code is guilty of unauthorized pharmacy-related drug 17080
conduct. Except as otherwise provided in this section, 17081
unauthorized pharmacy-related drug conduct is a misdemeanor of 17082
the second degree. If the offender previously has been convicted 17083
of or pleaded guilty to a violation of division (A), (B), or (C) 17084
of that section, unauthorized pharmacy-related drug conduct is a 17085
misdemeanor of the first degree on a second offense and a felony 17086
of the fifth degree on a third or subsequent offense. 17087

(2) Whoever violates division (B) or (C) of section 17088
4729.95 of the Revised Code is guilty of permitting unauthorized 17089
pharmacy-related drug conduct. Except as otherwise provided in 17090
this section, permitting unauthorized pharmacy-related drug 17091
conduct is a misdemeanor of the second degree. If the offender 17092
previously has been convicted of or pleaded guilty to a 17093
violation of division (A), (B), or (C) of that section, 17094
permitting unauthorized pharmacy-related drug conduct is a 17095
misdemeanor of the first degree on a second offense and a felony 17096
of the fifth degree on a third or subsequent offense. 17097

(3) Notwithstanding any contrary provision of section 17098
3719.21 of the Revised Code or any other provision of law that 17099
governs the distribution of fines, the clerk of the court shall 17100
pay any fine imposed pursuant to division (I) (1) or (2) of this 17101
section to the state board of pharmacy if the board has adopted 17102

a written internal control policy under ~~division (F) (2) of~~ 17103
section ~~2925.03~~2925.10 of the Revised Code that addresses fine 17104
moneys that it receives under Chapter 2925. of the Revised Code 17105
and if the policy also addresses fine moneys paid under this 17106
division. The state board of pharmacy shall use the fines so 17107
paid in accordance with the written internal control policy to 17108
subsidize the board's law enforcement efforts that pertain to 17109
drug offenses. 17110

(J) (1) Whoever violates division (A) (1) of section 4729.86 17111
of the Revised Code is guilty of a misdemeanor of the third 17112
degree. If the offender has previously been convicted of or 17113
pleaded guilty to a violation of division (A) (1), (2), or (3) of 17114
section 4729.86 of the Revised Code, that person is guilty of a 17115
misdemeanor of the first degree. 17116

(2) Whoever violates division (A) (2) of section 4729.86 of 17117
the Revised Code is guilty of a misdemeanor of the first degree. 17118
If the offender has previously been convicted of or pleaded 17119
guilty to a violation of division (A) (1), (2), or (3) of section 17120
4729.86 of the Revised Code, that person is guilty of a felony 17121
of the fifth degree. 17122

(3) Whoever violates division (A) (3) of section 4729.86 of 17123
the Revised Code is guilty of a felony of the fifth degree. If 17124
the offender has previously been convicted of or pleaded guilty 17125
to a violation of division (A) (1), (2), or (3) of section 17126
4729.86 of the Revised Code, that person is guilty of a felony 17127
of the fourth degree. 17128

(K) A person who violates division (C) of section 4729.552 17129
of the Revised Code is guilty of a misdemeanor of the first 17130
degree. If the person previously has been convicted of or 17131
pleaded guilty to a violation of division (C) of section 17132

4729.552 of the Revised Code, that person is guilty of a felony 17133
of the fifth degree. 17134

Sec. 4742.03. (A) A person may obtain certification as an 17135
emergency service telecommunicator by successfully completing a 17136
basic course of emergency service telecommunicator training that 17137
is conducted by the state board of education under section 17138
4742.02 of the Revised Code. The basic course of emergency 17139
service telecommunicator training shall include, but not be 17140
limited to, both of the following: 17141

(1) At least forty hours of instruction or training; 17142

(2) Instructional or training units in all of the 17143
following subjects: 17144

(a) The role of the emergency service telecommunicator; 17145

(b) Effective communication skills; 17146

(c) Emergency service telecommunicator liability; 17147

(d) Telephone techniques; 17148

(e) Requirements of the "Americans With Disabilities Act 17149
of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that 17150
pertain to emergency service telecommunicators; 17151

(f) Handling hysterical and suicidal callers; 17152

(g) Informing individuals who call about an apparent drug 17153
overdose about the immunity from prosecution for a minor drug 17154
possession offense created by section ~~2925.11~~2925.04 or 17155
2925.041 of the Revised Code; 17156

(h) Law enforcement terminology; 17157

(i) Fire service terminology; 17158

(j) Emergency medical service terminology;	17159
(k) Emergency call processing guides for law enforcement;	17160
(l) Emergency call processing guides for fire service;	17161
(m) Emergency call processing guides for emergency medical service;	17162 17163
(n) Radio broadcast techniques;	17164
(o) Disaster planning;	17165
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire or emergency medical service scene safety.	17166 17167 17168
(B) A person may maintain certification as an emergency service telecommunicator by successfully completing at least eight hours of continuing education coursework in emergency service telecommunicator training during each two-year period after a person first obtains the certification referred to in division (A) of this section. The continuing education coursework shall consist of review and advanced training and instruction in the subjects listed in division (A) (2) of this section.	17169 17170 17171 17172 17173 17174 17175 17176 17177
(C) If a person successfully completes the basic course of emergency service telecommunicator training described in division (A) of this section, the state board of education or a designee of the board shall certify the person's successful completion. The board shall send a copy of the certification to the person and to the emergency service provider by whom the person is employed.	17178 17179 17180 17181 17182 17183 17184
If a person successfully completes the continuing education coursework described in division (B) of this section,	17185 17186

the state board of education or a designee of the board shall 17187
certify the person's successful completion. The board shall send 17188
a copy of the certification to the person and to the emergency 17189
service provider by whom the person is employed. 17190

Sec. 5103.0319. (A) No foster caregiver or prospective 17191
foster caregiver shall fail to notify the recommending agency 17192
that recommended or is recommending the foster caregiver or 17193
prospective foster caregiver for certification in writing if a 17194
person at least twelve years of age but less than eighteen years 17195
of age residing with the foster caregiver or prospective foster 17196
caregiver has been convicted of or pleaded guilty to any of the 17197
following or has been adjudicated to be a delinquent child for 17198
committing an act that if committed by an adult would have 17199
constituted such a violation: 17200

(1) A violation of section 2903.01, 2903.02, 2903.03, 17201
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 17202
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 17203
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 17204
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 17205
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 17206
2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 17207
2925.02, 2925.021, 2925.03, ~~2925.04~~, 2925.05, 2925.06, 2925.07, 17208
2925.08, or 3716.11 of the Revised Code, a violation of section 17209
2905.04 of the Revised Code as it existed prior to July 1, 1996, 17210
a violation of section 2919.23 of the Revised Code that would 17211
have been a violation of section 2905.04 of the Revised Code as 17212
it existed prior to July 1, 1996, had the violation been 17213
committed prior to that date, a violation of section ~~2925.11~~ 17214
2925.04 or 2925.041 of the Revised Code that is not a minor drug 17215
possession offense, a violation of section 2923.01 of the 17216
Revised Code that involved an attempt to commit aggravated 17217

murder or murder, an OVI or OVUAC violation if the person 17218
previously was convicted of or pleaded guilty to one or more OVI 17219
or OVUAC violations within the three years immediately preceding 17220
the current violation, or felonious sexual penetration in 17221
violation of former section 2907.12 of the Revised Code; 17222

(2) An offense that would be a felony if committed by an 17223
adult and the court determined that the child, if an adult, 17224
would be guilty of a specification found in section 2941.141, 17225
2941.144, or 2941.145 of the Revised Code or in another section 17226
of the Revised Code that relates to the possession or use of a 17227
firearm, as defined in section 2923.11 of the Revised Code, 17228
during the commission of the act for which the child was 17229
adjudicated a delinquent child; 17230

(3) A violation of an existing or former law of this 17231
state, any other state, or the United States that is 17232
substantially equivalent to any of the offenses described in 17233
division (A)(1) or (2) of this section. 17234

(B) If a recommending agency learns that a foster 17235
caregiver has failed to comply with division (A) of this 17236
section, it shall notify the department of job and family 17237
services and the department shall revoke the foster caregiver's 17238
foster home certificate. 17239

(C) As used in this section, "OVI or OVUAC violation" 17240
means a violation of section 4511.19 of the Revised Code or a 17241
violation of an existing or former law of this state, any other 17242
state, or the United States that is substantially equivalent to 17243
section 4511.19 of the Revised Code. 17244

Sec. 5119.36. (A) A community mental health services 17245
provider applicant or community addiction services provider 17246

applicant that seeks certification of its certifiable services 17247
and supports shall submit an application to the director of 17248
mental health and addiction services. On receipt of the 17249
application, the director may conduct an on-site review and 17250
shall evaluate the applicant to determine whether its 17251
certifiable services and supports satisfy the standards 17252
established by rules adopted under this section. The director 17253
shall make the evaluation, and, if the director conducts an on- 17254
site review of the applicant, may make the review, in 17255
cooperation with a board of alcohol, drug addiction, and mental 17256
health services that seeks to contract with the applicant under 17257
section 340.036 of the Revised Code. 17258

(B) Subject to section 5119.361 of the Revised Code, the 17259
director shall determine whether the certifiable services and 17260
supports of a community mental health services provider 17261
applicant or community addiction services provider applicant 17262
satisfy the standards for certification. If the director 17263
determines that an applicant's certifiable services and supports 17264
satisfy the standards for certification and the applicant has 17265
paid the fee required by this section, the director shall 17266
certify the certifiable services and supports. 17267

No community mental health services provider shall be 17268
eligible to receive for its certifiable services and supports 17269
any state funds, federal funds, or funds administered by a board 17270
of alcohol, drug addiction, and mental health services , unless 17271
those certifiable services and supports have been certified by 17272
the director. 17273

No person or government entity subject to section 5119.35 17274
of the Revised Code or any other community addiction services 17275
provider shall be eligible to receive for its services described 17276

in that section or its other certifiable services and supports 17277
any state funds, federal funds, or funds administered by a board 17278
of alcohol, drug addiction, and mental health services, unless 17279
those services or other certifiable services and supports have 17280
been certified by the director. 17281

(C) If the director determines that a community mental 17282
health services provider applicant's or a community addiction 17283
services provider applicant's certifiable services and supports 17284
do not satisfy the standards for certification, the director 17285
shall identify the areas of noncompliance, specify what action 17286
is necessary to satisfy the standards, and may offer technical 17287
assistance to the applicant and to a board of alcohol, drug 17288
addiction, and mental health services so that the board may 17289
assist the applicant in satisfying the standards. The director 17290
shall give the applicant a reasonable time within which to 17291
demonstrate that its certifiable services and supports satisfy 17292
the standards or to bring them into compliance with the 17293
standards. If the director concludes that the certifiable 17294
services and supports continue to fail to satisfy the standards, 17295
the director may request that the board reallocate any funds for 17296
the certifiable services and supports the applicant was to 17297
provide to another community mental health services provider or 17298
community addiction services provider whose certifiable services 17299
and supports satisfy the standards. If the board does not 17300
reallocate such funds in a reasonable period of time, the 17301
director may withhold state and federal funds for the 17302
certifiable services and supports and allocate those funds 17303
directly to a community mental health services provider or 17304
community addiction services provider whose certifiable services 17305
and supports satisfy the standards. 17306

(D) Each community mental health services provider 17307

applicant or community addiction services provider applicant 17308
seeking certification of its certifiable services and supports 17309
under this section shall pay a fee for the certification 17310
required by this section, unless the applicant is exempt under 17311
rules adopted under this section. Fees shall be paid into the 17312
state treasury to the credit of the sale of goods and services 17313
fund created pursuant to section 5119.45 of the Revised Code. 17314

(E) The director shall adopt rules in accordance with 17315
Chapter 119. of the Revised Code to implement this section. The 17316
rules shall do all of the following: 17317

(1) Subject to section 340.034 of the Revised Code, 17318
specify the types of recovery supports that are required to be 17319
certified under this section; 17320

(2) Establish certification standards for certifiable 17321
services and supports that are consistent with nationally 17322
recognized applicable standards and facilitate participation in 17323
federal assistance programs. The rules shall include as 17324
certification standards only requirements that improve the 17325
quality of certifiable services and supports or the health and 17326
safety of persons receiving certifiable services and supports. 17327
The standards shall address at a minimum all of the following: 17328

(a) Reporting major unusual incidents to the director; 17329

(b) Procedures for applicants for and persons receiving 17330
certifiable services and supports to file grievances and 17331
complaints; 17332

(c) Seclusion; 17333

(d) Restraint; 17334

(e) Requirements regarding the physical facilities in 17335

which certifiable services and supports are provided;	17336
(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;	17337 17338
(g) Standards for evaluating certifiable services and supports;	17339 17340
(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of a community mental health services provider applicant or community addiction services provider applicant;	17341 17342 17343 17344 17345
(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	17346 17347 17348 17349 17350
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	17351 17352 17353
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	17354 17355 17356
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	17357 17358 17359
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	17360 17361
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access	17362 17363

is specifically restricted in the person's treatment plan for 17364
clear treatment reasons; 17365

(iv) The right to have a client rights officer provided by 17366
the provider or board of alcohol, drug addiction, and mental 17367
health services advise the person of the person's rights, 17368
including the person's rights under Chapter 5122. of the Revised 17369
Code if the person is committed to the provider or board. 17370

(3) Establish the process for certification of certifiable 17371
services and supports; 17372

(4) Set the amount of certification review fees; 17373

(5) Specify the type of notice and hearing to be provided 17374
prior to a decision on whether to reallocate funds. 17375

(F) The director may issue an order suspending admissions 17376
to a community addiction services provider that provides 17377
overnight accommodations if the director finds either of the 17378
following: 17379

(1) The provider's certifiable services and supports are 17380
not in compliance with rules adopted under this section; 17381

(2) The provider has been cited for more than one 17382
violation of statutes or rules during any previous certification 17383
period of the provider. 17384

(G) The department of mental health and addiction services 17385
shall maintain a current list of community addiction services 17386
providers and shall provide a copy of the list to a judge of a 17387
court of common pleas who requests a copy for the use of the 17388
judge under ~~division (H) of section 2925.02, 2925.021, or~~ 17389
2925.03 of the Revised Code. The list shall identify each 17390
provider by its name, its address, and the county in which it is 17391

located. 17392

(H) No person shall represent in any manner that a 17393
community mental health services provider's or community 17394
addiction services provider's certifiable services and supports 17395
are certified by the director if the certifiable services and 17396
supports are not so certified at the time the representation is 17397
made. 17398

Sec. 5119.37. (A) (1) (a) Except as provided in division (A) 17399
(1) (b) of this section, no person or government entity shall 17400
operate an opioid treatment program requiring certification, as 17401
certification is defined in 42 C.F.R. 8.2, unless the person or 17402
government entity is a community addiction services provider and 17403
the program is licensed under this section. 17404

(b) Division (A) (1) (a) of this section does not apply to a 17405
program operated by the United States department of veterans 17406
affairs. 17407

(2) No community addiction services provider licensed 17408
under this section shall operate an opioid treatment program in 17409
a manner inconsistent with this section and the rules adopted 17410
under it. 17411

(B) A community addiction services provider seeking a 17412
license to operate an opioid treatment program shall apply to 17413
the department of mental health and addiction services. The 17414
department shall review all applications received. 17415

(C) The department may issue a license to operate an 17416
opioid treatment program to a community addiction services 17417
provider only if all of the following apply: 17418

(1) During the three-year period immediately preceding the 17419
date of application, the provider or any owner, sponsor, medical 17420

director, administrator, or principal of the provider has been 17421
in good standing to operate an opioid treatment program in all 17422
other locations where the provider or such other person has been 17423
operating a similar program, as evidenced by both of the 17424
following: 17425

(a) Not having been denied a license, certificate, or 17426
similar approval to operate an opioid treatment program by this 17427
state or another jurisdiction; 17428

(b) Not having been the subject of any of the following in 17429
this state or another jurisdiction: 17430

(i) An action that resulted in the suspension or 17431
revocation of the license, certificate, or similar approval of 17432
the provider or other person; 17433

(ii) A voluntary relinquishment, withdrawal, or other 17434
action taken by the provider or other person to avoid suspension 17435
or revocation of the license, certificate, or similar approval; 17436

(iii) A disciplinary action that was based, in whole or in 17437
part, on the provider or other person engaging in the 17438
inappropriate prescribing, dispensing, administering, personally 17439
furnishing, diverting, storing, supplying, compounding, or 17440
selling of a controlled substance or other dangerous drug. 17441

(2) It affirmatively appears to the department that the 17442
provider is adequately staffed and equipped to operate an opioid 17443
treatment program. 17444

(3) It affirmatively appears to the department that the 17445
provider will operate an opioid treatment program in strict 17446
compliance with all laws relating to drug abuse and the rules 17447
adopted by the department. 17448

(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter.

(5) The provider meets any additional requirements established by the department in rules adopted under division (F) of this section.

(D) The department may waive the requirement of division (C) (4) of this section if it receives, from each public or private school, child day-care center, or child-serving agency that is within the five hundred linear feet radius described in that division, a letter of support for the location. The department shall determine whether a letter of support is satisfactory for purposes of waiving the requirement.

(E) A license to operate an opioid treatment program shall expire one year from the date of issuance. Licenses may be renewed.

(F) The department shall establish procedures and adopt rules for licensing, inspection, and supervision of community addiction services providers that operate an opioid treatment program. The rules shall establish standards for the control, storage, furnishing, use, dispensing, and administering of medications used in medication-assisted treatment; prescribe minimum standards for the operation of the opioid treatment program component of the provider's operations; and comply with

federal laws and regulations. 17479

All rules adopted under this division shall be adopted in 17480
accordance with Chapter 119. of the Revised Code. All actions 17481
taken by the department regarding the licensing of providers to 17482
operate opioid treatment programs shall be conducted in 17483
accordance with Chapter 119. of the Revised Code, except as 17484
provided in division (L) of this section. 17485

(G) (1) The department shall inspect all community 17486
addiction services providers licensed to operate an opioid 17487
treatment program. Inspections shall be conducted at least 17488
annually and may be conducted more frequently. 17489

In addition, the department may inspect any provider or 17490
other person that it reasonably believes to be operating an 17491
opioid treatment program without a license issued under this 17492
section. 17493

(2) When conducting an inspection, the department may do 17494
both of the following: 17495

(a) Examine and copy all records, accounts, and other 17496
documents relating to the provider's or other person's 17497
operations, including records pertaining to patients or clients; 17498

(b) Conduct interviews with any individual employed by or 17499
contracted or otherwise associated with the provider or person, 17500
including an administrator, staff person, patient, or client. 17501

(3) No person or government entity shall interfere with a 17502
state or local government official acting on behalf of the 17503
department while conducting an inspection. 17504

(H) A community addiction services provider shall not 17505
administer or dispense methadone in a tablet, powder, or 17506

intravenous form. Methadone shall be administered or dispensed 17507
only in a liquid form intended for ingestion. 17508

A community addiction services provider shall not 17509
administer or dispense a medication used in medication-assisted 17510
treatment for pain or other medical reasons. 17511

(I) As used in this division, "program sponsor" means a 17512
person who assumes responsibility for the operation and 17513
employees of the opioid treatment program component of a 17514
community addiction services provider's operations. 17515

A community addiction services provider shall not employ 17516
an individual who receives a medication used in medication- 17517
assisted treatment from that provider. A provider shall not 17518
permit an individual to act as a program sponsor, medical 17519
director, or director of the provider if the individual is 17520
receiving that medication from any community addiction services 17521
provider. 17522

(J) The department may issue orders to ensure compliance 17523
with all laws relating to drug abuse and the rules adopted under 17524
this section. Subject to section 5119.27 of the Revised Code, 17525
the department may hold hearings, require the production of 17526
relevant matter, compel testimony, issue subpoenas, and make 17527
adjudications. Upon failure of a person without lawful excuse to 17528
obey a subpoena or to produce relevant matter, the department 17529
may apply to a court of common pleas for an order compelling 17530
compliance. 17531

(K) The department may refuse to issue, or may withdraw or 17532
revoke, a license to operate an opioid treatment program. A 17533
license may be refused if a community addiction services 17534
provider does not meet the requirements of division (C) of this 17535

section. A license may be withdrawn at any time the department 17536
determines that the provider no longer meets the requirements 17537
for receiving the license. A license may be revoked in 17538
accordance with division (L) of this section. 17539

Once a license is issued under this section, the 17540
department shall not consider the requirement of division (C) (4) 17541
of this section in determining whether to renew, withdraw, or 17542
revoke the license or whether to reissue the license as a result 17543
of a change in ownership. 17544

(L) If the department finds reasonable cause to believe 17545
that a community addiction services provider licensed under this 17546
section is in violation of any state or federal law or rule 17547
relating to drug abuse, the department may issue an order 17548
immediately revoking the license, subject to division (M) of 17549
this section. The department shall set a date not more than 17550
fifteen days later than the date of the order of revocation for 17551
a hearing on the continuation or cancellation of the revocation. 17552
For good cause, the department may continue the hearing on 17553
application of any interested party. In conducting hearings, the 17554
department has all the authority and power set forth in division 17555
(J) of this section. Following the hearing, the department shall 17556
either confirm or cancel the revocation. The hearing shall be 17557
conducted in accordance with Chapter 119. of the Revised Code, 17558
except that the provider shall not be permitted to operate an 17559
opioid treatment program pending the hearing or pending any 17560
appeal from an adjudication made as a result of the hearing. 17561
Notwithstanding any provision of Chapter 119. of the Revised 17562
Code to the contrary, a court shall not stay or suspend any 17563
order of revocation issued by the department under this division 17564
pending judicial appeal. 17565

(M) The department shall not revoke a license to operate 17566
an opioid treatment program unless all clients receiving 17567
medication used in medication-assisted treatment from the 17568
community addiction services provider are provided adequate 17569
substitute medication or treatment. For purposes of this 17570
division, the department may transfer the clients to other 17571
providers licensed to operate opioid treatment programs or 17572
replace any or all of the administrators and staff of the 17573
provider with representatives of the department who shall 17574
continue on a provisional basis the opioid treatment component 17575
of the provider's operations. 17576

(N) Each time the department receives an application from 17577
a community addiction services provider for a license to operate 17578
an opioid treatment program, issues or refuses to issue a 17579
license, or withdraws or revokes a license, the department shall 17580
notify the board of alcohol, drug addiction, and mental health 17581
services of each alcohol, drug addiction, and mental health 17582
service district in which the provider operates. 17583

(O) Whenever it appears to the department from files, upon 17584
complaint, or otherwise, that a community addiction services 17585
provider has engaged in any practice declared to be illegal or 17586
prohibited by section 3719.61 of the Revised Code, or any other 17587
state or federal laws or regulations relating to drug abuse, or 17588
when the department believes it to be in the best interest of 17589
the public and necessary for the protection of the citizens of 17590
the state, the department may request criminal proceedings by 17591
laying before the prosecuting attorney of the proper county any 17592
evidence of criminality which may come to its knowledge. 17593

(P) The department shall maintain a current list of 17594
community addiction services providers licensed by the 17595

department under this section and shall provide a copy of the 17596
current list to a judge of a court of common pleas who requests 17597
a copy for the use of the judge under ~~division (H) of section~~ 17598
2925.02, 2925.021, or 2925.03 of the Revised Code. The list of 17599
licensed community addiction services providers shall identify 17600
each licensed provider by its name, its address, and the county 17601
in which it is located. 17602

Sec. 5119.391. (A) No community addiction services 17603
provider shall employ methadone treatment or prescribe, 17604
dispense, or administer methadone unless the program is licensed 17605
under this section. No community addiction services provider 17606
licensed under this section shall maintain methadone treatment 17607
in a manner inconsistent with this section and the rules adopted 17608
under it. 17609

(B) A community addiction services provider may apply to 17610
the department of mental health and addiction services for a 17611
license to maintain methadone treatment. The department shall 17612
review all applications received. 17613

(C) The department may issue a license to maintain 17614
methadone treatment to a community addiction services provider 17615
only if all of the following apply: 17616

(1) During the three-year period immediately preceding the 17617
date of application, the provider or any owner, sponsor, medical 17618
director, administrator, or principal of the provider has been 17619
in good standing to operate a methadone treatment program in all 17620
other locations where the provider or such other person has been 17621
operating a similar program, as evidenced by both of the 17622
following: 17623

(a) Not having been denied a license, certificate, or 17624

similar approval to operate a methadone treatment program by 17625
this state or another jurisdiction; 17626

(b) Not having been the subject of any of the following in 17627
this state or another jurisdiction: 17628

(i) An action that resulted in the suspension or 17629
revocation of the license, certificate, or similar approval of 17630
the provider or other person; 17631

(ii) A voluntary relinquishment, withdrawal, or other 17632
action taken by the provider or other person to avoid suspension 17633
or revocation of the license, certificate, or similar approval; 17634

(iii) A disciplinary action that was based, in whole or in 17635
part, on the provider or other person engaging in the 17636
inappropriate prescribing, dispensing, administering, personally 17637
furnishing, diverting, storing, supplying, compounding, or 17638
selling of a controlled substance or other dangerous drug. 17639

(2) It affirmatively appears to the department that the 17640
provider is adequately staffed and equipped to maintain 17641
methadone treatment; 17642

(3) It affirmatively appears to the department that the 17643
provider will maintain methadone treatment in strict compliance 17644
with section 3719.61 of the Revised Code, all other laws 17645
relating to drug abuse, and the rules adopted by the department; 17646

(4) Except as provided in division (D) of this section and 17647
section 5119.392 of the Revised Code, if the community addiction 17648
services provider is requesting an initial license for a 17649
particular location, the proposed methadone treatment program is 17650
not located on a parcel of real estate that is within a radius 17651
of five hundred linear feet of the boundaries of a parcel of 17652
real estate having situated on it a public or private school, 17653

child day-care center licensed under Chapter 5104. of the 17654
Revised Code, or child-serving agency regulated by the 17655
department under this chapter; 17656

(5) The provider meets any additional requirements 17657
established by the department in rules adopted under division 17658
(F) of this section. 17659

(D) The department may waive the requirement of division 17660
(C) (4) of this section if it receives, from each public or 17661
private school, child day-care center, or child-serving agency 17662
that is within the five hundred linear feet radius described in 17663
that division, a letter of support for the location. The 17664
department shall determine whether a letter of support is 17665
satisfactory for purposes of waiving the requirement. 17666

(E) A license to maintain methadone treatment shall expire 17667
one year from the date of issuance. Licenses may be renewed. 17668

(F) The department shall establish procedures and adopt 17669
rules for licensing, inspection, and supervision of community 17670
addiction services providers that maintain methadone treatment. 17671
The rules shall establish standards for the control, storage, 17672
furnishing, use, and dispensing of methadone; prescribe minimum 17673
standards for the operation of the methadone treatment component 17674
of the provider's operations; and comply with federal laws and 17675
regulations. 17676

All rules adopted under this division shall be adopted in 17677
accordance with Chapter 119. of the Revised Code. All actions 17678
taken by the department regarding the licensing of providers to 17679
maintain methadone treatment shall be conducted in accordance 17680
with Chapter 119. of the Revised Code, except as provided in 17681
division (L) of this section. 17682

(G) The department of mental health and addiction services 17683
shall inspect all community addiction services providers 17684
licensed to maintain methadone treatment. Inspections shall be 17685
conducted at least annually and may be conducted more 17686
frequently. No person or government entity shall interfere with 17687
a state or local government official acting on behalf of the 17688
department while conducting an inspection. 17689

(H) A community addiction services provider shall not 17690
administer or dispense methadone in a tablet, powder, or 17691
intravenous form. Methadone shall be administered or dispensed 17692
only in a liquid form intended for ingestion. A services 17693
provider shall not administer or dispense methadone to an 17694
individual for pain or other medical reasons. 17695

(I) As used in this division, "program sponsor" means a 17696
person who assumes responsibility for the operation and 17697
employees of the methadone treatment component of a community 17698
addiction services provider. 17699

A community addiction services provider shall not employ 17700
an individual who receives methadone treatment from that 17701
services provider. A program shall not permit an individual to 17702
act as a provider sponsor, medical director, or director of the 17703
provider if the individual is receiving methadone treatment from 17704
any community addiction services provider. 17705

(J) The department may issue orders to assure compliance 17706
with section 3719.61 of the Revised Code, all other laws 17707
relating to drug abuse, and the rules adopted under this 17708
section. Subject to section 5119.27 of the Revised Code, the 17709
department may hold hearings, require the production of relevant 17710
matter, compel testimony, issue subpoenas, and make 17711
adjudications. Upon failure of a person without lawful excuse to 17712

obey a subpoena or to produce relevant matter, the department 17713
may apply to a court of common pleas for an order compelling 17714
compliance. 17715

(K) The department may refuse to issue, or may withdraw or 17716
revoke, a license to maintain methadone treatment. A license may 17717
be refused if a community addiction services provider does not 17718
meet the requirements of division (C) of this section. A license 17719
may be withdrawn at any time the department determines that the 17720
program no longer meets the requirements for receiving the 17721
license. A license may be revoked in accordance with division 17722
(L) of this section. 17723

Once a license is issued under this section, the 17724
department shall not consider the requirement of division (C) (4) 17725
of this section in determining whether to renew, withdraw, or 17726
revoke the license or whether to reissue the license as a result 17727
of a change in ownership. 17728

(L) If the department of mental health and addiction 17729
services finds reasonable cause to believe that a community 17730
addiction services provider licensed under this section is in 17731
violation of any provision of section 3719.61 of the Revised 17732
Code, or of any other state or federal law or rule relating to 17733
drug abuse, the department may issue an order immediately 17734
revoking the license, subject to division (M) of this section. 17735
The department shall set a date not more than fifteen days later 17736
than the date of the order of revocation for a hearing on the 17737
continuation or cancellation of the revocation. For good cause, 17738
the department may continue the hearing on application of any 17739
interested party. In conducting hearings, the department has all 17740
the authority and power set forth in division (J) of this 17741
section. Following the hearing, the department shall either 17742

confirm or cancel the revocation. The hearing shall be conducted 17743
in accordance with Chapter 119. of the Revised Code, except that 17744
the provider shall not be permitted to maintain methadone 17745
treatment pending the hearing or pending any appeal from an 17746
adjudication made as a result of the hearing. Notwithstanding 17747
any provision of Chapter 119. of the Revised Code to the 17748
contrary, a court shall not stay or suspend any order of 17749
revocation issued by the director under this division pending 17750
judicial appeal. 17751

(M) The department shall not revoke a license to maintain 17752
methadone treatment unless all services recipients receiving 17753
methadone treatment from the community addiction services 17754
provider are provided adequate substitute treatment. For 17755
purposes of this division, the department may transfer the 17756
services recipients to other programs licensed to maintain 17757
methadone treatment or replace any or all of the administrators 17758
and staff of the provider with representatives of the department 17759
who shall continue on a provisional basis the methadone 17760
treatment component of the program. 17761

(N) Each time the department receives an application from 17762
a community addiction services provider for a license to 17763
maintain methadone treatment, issues or refuses to issue a 17764
license, or withdraws or revokes a license, the department shall 17765
notify the board of alcohol, drug addiction, and mental health 17766
services of each alcohol, drug addiction, and mental health 17767
service district in which the provider operates. 17768

(O) Whenever it appears to the department from files, upon 17769
complaint, or otherwise, that a community addiction services 17770
provider has engaged in any practice declared to be illegal or 17771
prohibited by section 3719.61 of the Revised Code, or any other 17772

state or federal laws or regulations relating to drug abuse, or 17773
when the department believes it to be in the best interest of 17774
the public and necessary for the protection of the citizens of 17775
the state, the department may request criminal proceedings by 17776
laying before the prosecuting attorney of the proper county any 17777
evidence of criminality which may come to its knowledge. 17778

(P) The department shall maintain a current list of 17779
community addiction services providers licensed by the 17780
department under this section and shall provide a copy of the 17781
current list to a judge of a court of common pleas who requests 17782
a copy for the use of the judge under ~~division (H) of~~ section 17783
2925.02, 2925.021, or 2925.03 of the Revised Code. The list of 17784
licensed community addiction services providers shall identify 17785
each licensed provider by its name, its address, and the county 17786
in which it is located. 17787

Sec. 5120.53. (A) If a treaty between the United States 17788
and a foreign country provides for the transfer or exchange, 17789
from one of the signatory countries to the other signatory 17790
country, of convicted offenders who are citizens or nationals of 17791
the other signatory country, the governor, subject to and in 17792
accordance with the terms of the treaty, may authorize the 17793
director of rehabilitation and correction to allow the transfer 17794
or exchange of convicted offenders and to take any action 17795
necessary to initiate participation in the treaty. If the 17796
governor grants the director the authority described in this 17797
division, the director may take the necessary action to initiate 17798
participation in the treaty and, subject to and in accordance 17799
with division (B) of this section and the terms of the treaty, 17800
may allow the transfer or exchange to a foreign country that has 17801
signed the treaty of any convicted offender who is a citizen or 17802
national of that signatory country. 17803

(B) (1) No convicted offender who is serving a term of imprisonment in this state for aggravated murder, murder, or a felony of the first or second degree, who is serving a mandatory prison term imposed under section 2925.02, 2925.021, 2925.03, 2925.04, or 2925.041 or former section 2925.11 of the Revised Code in circumstances in which the court was required to impose as the mandatory prison term the maximum definite prison term or longest minimum prison term authorized for the degree of offense committed, who is serving a term of imprisonment in this state imposed for an offense committed prior to July 1, 1996, that was an aggravated felony of the first or second degree or that was aggravated trafficking in violation of division (A) (9) or (10) of section 2925.03 of the Revised Code, or who has been sentenced to death in this state shall be transferred or exchanged to another country pursuant to a treaty of the type described in division (A) of this section.

(2) If a convicted offender is serving a term of imprisonment in this state and the offender is a citizen or national of a foreign country that has signed a treaty of the type described in division (A) of this section, if the governor has granted the director of rehabilitation and correction the authority described in that division, and if the transfer or exchange of the offender is not barred by division (B) (1) of this section, the director or the director's designee may approve the offender for transfer or exchange pursuant to the treaty if the director or the designee, after consideration of the factors set forth in the rules adopted by the department under division (D) of this section and all other relevant factors, determines that the transfer or exchange of the offender is appropriate.

(C) Notwithstanding any provision of the Revised Code

regarding the parole eligibility of, or the duration or 17835
calculation of a sentence of imprisonment imposed upon, an 17836
offender, if a convicted offender is serving a term of 17837
imprisonment in this state and the offender is a citizen or 17838
national of a foreign country that has signed a treaty of the 17839
type described in division (A) of this section, if the offender 17840
is serving an indefinite term of imprisonment, if the offender 17841
is barred from being transferred or exchanged pursuant to the 17842
treaty due to the indefinite nature of the offender's term of 17843
imprisonment, and if in accordance with division (B) (2) of this 17844
section the director of rehabilitation and correction or the 17845
director's designee approves the offender for transfer or 17846
exchange pursuant to the treaty, the parole board, pursuant to 17847
rules adopted by the director, shall set a date certain for the 17848
release of the offender. To the extent possible, the date 17849
certain that is set shall be reasonably proportionate to the 17850
indefinite term of imprisonment that the offender is serving. 17851
The date certain that is set for the release of the offender 17852
shall be considered only for purposes of facilitating the 17853
international transfer or exchange of the offender, shall not be 17854
viable or actionable for any other purpose, and shall not create 17855
any expectation or guarantee of release. If an offender for whom 17856
a date certain for release is set under this division is not 17857
transferred to or exchanged with the foreign country pursuant to 17858
the treaty, the date certain is null and void, and the 17859
offender's release shall be determined pursuant to the laws and 17860
rules of this state pertaining to parole eligibility and the 17861
duration and calculation of an indefinite sentence of 17862
imprisonment. 17863

(D) If the governor, pursuant to division (A) of this 17864
section, authorizes the director of rehabilitation and 17865

correction to allow any transfer or exchange of convicted 17866
offenders as described in that division, the director shall 17867
adopt rules under Chapter 119. of the Revised Code to implement 17868
the provisions of this section. The rules shall include a rule 17869
that requires the director or the director's designee, in 17870
determining whether to approve a convicted offender who is 17871
serving a term of imprisonment in this state for transfer or 17872
exchange pursuant to a treaty of the type described in division 17873
(A) of this section, to consider all of the following factors: 17874

(1) The nature of the offense for which the offender is 17875
serving the term of imprisonment in this state; 17876

(2) The likelihood that, if the offender is transferred or 17877
exchanged to a foreign country pursuant to the treaty, the 17878
offender will serve a shorter period of time in imprisonment in 17879
the foreign country than the offender would serve if the 17880
offender is not transferred or exchanged to the foreign country 17881
pursuant to the treaty; 17882

(3) The likelihood that, if the offender is transferred or 17883
exchanged to a foreign country pursuant to the treaty, the 17884
offender will return or attempt to return to this state after 17885
the offender has been released from imprisonment in the foreign 17886
country; 17887

(4) The degree of any shock to the conscience of justice 17888
and society that will be experienced in this state if the 17889
offender is transferred or exchanged to a foreign country 17890
pursuant to the treaty; 17891

(5) All other factors that the department determines are 17892
relevant to the determination. 17893

Sec. 5153.111. (A) (1) The executive director of a public 17894

children services agency shall request the superintendent of the 17895
bureau of criminal identification and investigation to conduct a 17896
criminal records check with respect to any applicant who has 17897
applied to the agency for employment as a person responsible for 17898
the care, custody, or control of a child. If the applicant does 17899
not present proof that the applicant has been a resident of this 17900
state for the five-year period immediately prior to the date 17901
upon which the criminal records check is requested or does not 17902
provide evidence that within that five-year period the 17903
superintendent has requested information about the applicant 17904
from the federal bureau of investigation in a criminal records 17905
check, the executive director shall request that the 17906
superintendent obtain information from the federal bureau of 17907
investigation as a part of the criminal records check for the 17908
applicant. If the applicant presents proof that the applicant 17909
has been a resident of this state for that five-year period, the 17910
executive director may request that the superintendent include 17911
information from the federal bureau of investigation in the 17912
criminal records check. 17913

(2) Any person required by division (A)(1) of this section 17914
to request a criminal records check shall provide to each 17915
applicant a copy of the form prescribed pursuant to division (C) 17916
(1) of section 109.572 of the Revised Code, provide to each 17917
applicant a standard impression sheet to obtain fingerprint 17918
impressions prescribed pursuant to division (C)(2) of section 17919
109.572 of the Revised Code, obtain the completed form and 17920
impression sheet from each applicant, and forward the completed 17921
form and impression sheet to the superintendent of the bureau of 17922
criminal identification and investigation at the time the person 17923
requests a criminal records check pursuant to division (A)(1) of 17924
this section. 17925

(3) Any applicant who receives pursuant to division (A) (2) 17926
of this section a copy of the form prescribed pursuant to 17927
division (C) (1) of section 109.572 of the Revised Code and a 17928
copy of an impression sheet prescribed pursuant to division (C) 17929
(2) of that section and who is requested to complete the form 17930
and provide a set of fingerprint impressions shall complete the 17931
form or provide all the information necessary to complete the 17932
form and shall provide the impression sheet with the impressions 17933
of the applicant's fingerprints. If an applicant, upon request, 17934
fails to provide the information necessary to complete the form 17935
or fails to provide impressions of the applicant's fingerprints, 17936
that agency shall not employ that applicant for any position for 17937
which a criminal records check is required by division (A) (1) of 17938
this section. 17939

(B) (1) Except as provided in rules adopted by the director 17940
of job and family services in accordance with division (E) of 17941
this section, no public children services agency shall employ a 17942
person as a person responsible for the care, custody, or control 17943
of a child if the person previously has been convicted of or 17944
pleaded guilty to any of the following: 17945

(a) A violation of section 2903.01, 2903.02, 2903.03, 17946
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 17947
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 17948
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 17949
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 17950
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 17951
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 17952
2925.021, 2925.03, ~~2925.04~~, 2925.05, 2925.06, 2925.07, 2925.08, 17953
or 3716.11 of the Revised Code, a violation of section 2905.04 17954
of the Revised Code as it existed prior to July 1, 1996, a 17955
violation of section 2919.23 of the Revised Code that would have 17956

been a violation of section 2905.04 of the Revised Code as it 17957
existed prior to July 1, 1996, had the violation occurred prior 17958
to that date, a violation of section ~~2925.11~~2925.04 or 2925.041 17959
of the Revised Code that is not a minor drug possession offense, 17960
or felonious sexual penetration in violation of former section 17961
2907.12 of the Revised Code; 17962

(b) A violation of an existing or former law of this 17963
state, any other state, or the United States that is 17964
substantially equivalent to any of the offenses or violations 17965
described in division (B) (1) (a) of this section. 17966

(2) A public children services agency may employ an 17967
applicant conditionally until the criminal records check 17968
required by this section is completed and the agency receives 17969
the results of the criminal records check. If the results of the 17970
criminal records check indicate that, pursuant to division (B) 17971
(1) of this section, the applicant does not qualify for 17972
employment, the agency shall release the applicant from 17973
employment. 17974

(C) (1) Each public children services agency shall pay to 17975
the bureau of criminal identification and investigation the fee 17976
prescribed pursuant to division (C) (3) of section 109.572 of the 17977
Revised Code for each criminal records check conducted in 17978
accordance with that section upon the request pursuant to 17979
division (A) (1) of this section of the executive director of the 17980
agency. 17981

(2) A public children services agency may charge an 17982
applicant a fee for the costs it incurs in obtaining a criminal 17983
records check under this section. A fee charged under this 17984
division shall not exceed the amount of fees the agency pays 17985
under division (C) (1) of this section. If a fee is charged under 17986

this division, the agency shall notify the applicant at the time 17987
of the applicant's initial application for employment of the 17988
amount of the fee and that, unless the fee is paid, the agency 17989
will not consider the applicant for employment. 17990

(D) The report of any criminal records check conducted by 17991
the bureau of criminal identification and investigation in 17992
accordance with section 109.572 of the Revised Code and pursuant 17993
to a request under division (A) (1) of this section is not a 17994
public record for the purposes of section 149.43 of the Revised 17995
Code and shall not be made available to any person other than 17996
the applicant who is the subject of the criminal records check 17997
or the applicant's representative, the public children services 17998
agency requesting the criminal records check or its 17999
representative, and any court, hearing officer, or other 18000
necessary individual involved in a case dealing with the denial 18001
of employment to the applicant. 18002

(E) The director of job and family services shall adopt 18003
rules pursuant to Chapter 119. of the Revised Code to implement 18004
this section, including rules specifying circumstances under 18005
which a public children services agency may hire a person who 18006
has been convicted of an offense listed in division (B) (1) of 18007
this section but who meets standards in regard to rehabilitation 18008
set by the department. 18009

(F) Any person required by division (A) (1) of this section 18010
to request a criminal records check shall inform each person, at 18011
the time of the person's initial application for employment, 18012
that the person is required to provide a set of impressions of 18013
the person's fingerprints and that a criminal records check is 18014
required to be conducted and satisfactorily completed in 18015
accordance with section 109.572 of the Revised Code if the 18016

person comes under final consideration for appointment or 18017
employment as a precondition to employment for that position. 18018

(G) As used in this section: 18019

(1) "Applicant" means a person who is under final 18020
consideration for appointment or employment in a position with 18021
the agency as a person responsible for the care, custody, or 18022
control of a child. 18023

(2) "Criminal records check" has the same meaning as in 18024
section 109.572 of the Revised Code. 18025

(3) "Minor drug possession offense" has the same meaning 18026
as in section 2925.01 of the Revised Code. 18027

Sec. 5502.13. The department of public safety shall 18028
maintain an investigative unit in order to conduct 18029
investigations and other enforcement activity authorized by 18030
Chapters 4301., 4303., 5101., 5107., and 5108. and sections 18031
2903.12, 2903.13, 2903.14, 2907.09, 2913.46, 2917.11, 2921.13, 18032
2921.31, 2921.32, 2921.33, 2923.12, 2923.121, ~~2925.11,~~ 2925.04, 18033
2925.041, 2925.13, 2927.02, and 4507.30 of the Revised Code. The 18034
director of public safety shall appoint the employees of the 18035
unit who are necessary, designate the activities to be performed 18036
by those employees, and prescribe their titles and duties. 18037

Sec. 5924.1121. (A) As used in this section, "prohibited 18038
substance" means any of the following: 18039

(1) Opium, heroin, cocaine, amphetamine, lysergic acid 18040
diethylamide, methamphetamine, phencyclidine, barbituric acid, 18041
or ~~marihuana~~ marijuana or any compound or derivative of any of 18042
those substances; 18043

(2) Any substance not specified in division (A) (1) of this 18044

section that the adjutant general lists on a schedule of 18045
controlled substances or that is listed on a schedule 18046
established under section 202 of the Federal Controlled 18047
Substances Act, 21 U.S.C. 812, 84 Stat. 1247, as amended. 18048

(B) A person subject to this code who wrongfully uses, 18049
possesses, manufactures, distributes, imports into the customs 18050
territory of the United States, exports from the United States, 18051
or introduces into an installation, vessel, vehicle, or aircraft 18052
used by or under the control of the armed forces of the United 18053
States or of the organized militia a prohibited substance shall 18054
be punished as a court-martial may direct. 18055

Section 5. That existing sections 1.58, 109.572, 109.60, 18056
128.04, 177.01, 1547.11, 1901.186, 2151.414, 2152.021, 2152.18, 18057
2743.60, 2919.22, 2923.01, 2923.241, 2923.31, 2923.41, 2927.21, 18058
2929.13, 2929.141, 2929.15, 2929.18, 2929.25, 2929.34, 2933.51, 18059
2935.36, 2951.041, 2967.18, 2967.19, 2967.28, 3301.32, 3301.541, 18060
3313.662, 3319.31, 3319.39, 3707.57, 3712.09, 3719.01, 3719.013, 18061
3719.21, 3719.41, 3719.99, 3721.121, 3734.44, 3745.13, 3767.01, 18062
3796.01, 3796.27, 4112.02, 4123.54, 4301.61, 4510.01, 4510.17, 18063
4511.19, 4729.99, 4742.03, 5103.0319, 5119.36, 5119.37, 18064
5119.391, 5120.53, 5153.111, 5502.13, and 5924.1121 of the 18065
Revised Code are hereby repealed. 18066

Section 6. That Section 6 of H.B. 523 of the 131st General 18067
Assembly be amended to read as follows: 18068

Sec. 6. (A) As used in this section, "drug database," 18069
"medical marijuana," "physician," and "qualifying medical 18070
condition" have the same meanings as in section 3796.01 of the 18071
Revised Code. 18072

(B) It is an affirmative defense to a charge of a 18073

violation of section ~~2925.11~~2925.041 or section ~~2925.141~~
2925.14 of the Revised Code relating to ~~marihuana~~marijuana that
the individual is a patient or parent or guardian of a patient
who is a minor and who meets both of the following requirements:

(1) A physician issued a written recommendation certifying
all of the following:

(a) That a bona fide physician-patient relationship exists
between the physician and patient;

(b) That the patient has been diagnosed with a qualifying
medical condition;

(c) That the physician or physician delegate has requested
from the drug database a report of information related to the
patient that covers at least the twelve months immediately
preceding the date of the report;

(d) That the physician has informed the patient or the
patient's parent or guardian of the risks and benefits of
medical marijuana as it pertains to the patient's qualifying
medical condition and medical history;

(e) That the physician has informed the patient or the
patient's parent or guardian that it is the physician's opinion
that the benefits of medical marijuana outweigh its risks.

(2) The individual used or possessed medical marijuana
only in a form or by a method described in section 3796.06 of
the Revised Code.

(C) The affirmative defense established by this section
may be raised only for conduct occurring on or after the
effective date of this section, but not later than sixty days
after the date the State Board of Pharmacy begins accepting

applications for registration pursuant to section 3796.08 of the Revised Code. 18102
18103

(D) In the case of a parent or guardian, this section does not establish an affirmative defense to a charge of a violation of section ~~2925.11~~2925.041 of the Revised Code relating to the use of ~~marihuana~~marijuana, unless the parent or guardian is also a patient who meets the requirements of division (B) of this section. 18104
18105
18106
18107
18108
18109

Section 7. That existing Section 6 of H.B. 523 of the 131st General Assembly is hereby repealed. 18110
18111

Section 8. That the versions of sections 3719.01 and 3796.01 of the Revised Code that are scheduled to take effect on March 20, 2020, be amended to read as follows: 18112
18113
18114

Sec. 3719.01. As used in this chapter: 18115

(A) "Administer" means the direct application of a drug, whether by injection, inhalation, ingestion, or any other means to a person or an animal. 18116
18117
18118

(B) "Drug enforcement administration" means the drug enforcement administration of the United States department of justice or its successor agency. 18119
18120
18121

(C) "Controlled substance" means a drug, compound, mixture, preparation, or substance included in schedule I, II, III, IV, or V. 18122
18123
18124

(D) "Dangerous drug" has the same meaning as in section 4729.01 of the Revised Code. 18125
18126

(E) "Dispense" means to sell, leave with, give away, dispose of, or deliver. 18127
18128

(F) "Distribute" means to deal in, ship, transport, or deliver but does not include administering or dispensing a drug. 18129
18130

(G) "Drug" has the same meaning as in section 4729.01 of the Revised Code. 18131
18132

(H) "Drug abuse offense" and "felony drug abuse offense" have the same meanings as in section 2925.01 of the Revised Code. 18133
18134
18135

(I) "Federal drug abuse control laws" means the "Comprehensive Drug Abuse Prevention and Control Act of 1970," 84 Stat. 1242, 21 U.S.C. 801, as amended. 18136
18137
18138

(J) "Hospital" means a facility registered as a hospital with the department of health under section 3701.07 of the Revised Code. 18139
18140
18141

(K) "Hypodermic" means a hypodermic syringe or needle, or other instrument or device for the injection of medication. 18142
18143

(L) "Manufacturer" means a person who manufactures a controlled substance, as "manufacture" is defined in section 3715.01 of the Revised Code, and includes a "manufacturer of dangerous drugs" as defined in section 4729.01 of the Revised Code. 18144
18145
18146
18147
18148

(M) "~~Marihuana~~Marijuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin. "~~Marihuana~~Marijuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the 18149
18150
18151
18152
18153
18154
18155
18156
18157

mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination.

(N) "Narcotic drugs" means coca leaves, opium, isonipecaine, amidone, isoamidone, ketobemidone, as defined in this division, and every substance not chemically distinguished from them and every drug, other than cannabis, that may be included in the meaning of "narcotic drug" under the federal drug abuse control laws. As used in this division:

(1) "Coca leaves" includes cocaine and any compound, manufacture, salt, derivative, mixture, or preparation of coca leaves, except derivatives of coca leaves, that does not contain cocaine, ecgonine, or substances from which cocaine or ecgonine may be synthesized or made.

(2) "Isonipecaine" means any substance identified chemically as 1-methyl-4-phenyl-piperidine-4-carboxylic acid ethyl ester, or any salt thereof, by whatever trade name designated.

(3) "Amidone" means any substance identified chemically as 4-4-diphenyl-6-dimethylamino-heptanone-3, or any salt thereof, by whatever trade name designated.

(4) "Isoamidone" means any substance identified chemically as 4-4-diphenyl-5-methyl-6-dimethylaminohexanone-3, or any salt thereof, by whatever trade name designated.

(5) "Ketobemidone" means any substance identified chemically as 4-(3-hydroxyphenyl)-1-methyl-4-piperidyl ethyl ketone hydrochloride, or any salt thereof, by whatever trade name designated.

(6) "Cocaine" has the same meaning as in section 2925.01

of the Revised Code. 18187

(O) "Official written order" means an order written on a 18188
form provided for that purpose by the director of the United 18189
States drug enforcement administration, under any laws of the 18190
United States making provision for the order, if the order forms 18191
are authorized and required by federal law. 18192

(P) "Person" means any individual, corporation, 18193
government, governmental subdivision or agency, business trust, 18194
estate, trust, partnership, association, or other legal entity. 18195

(Q) "Pharmacist" means a person licensed under Chapter 18196
4729. of the Revised Code to engage in the practice of pharmacy. 18197

(R) "Pharmacy" has the same meaning as in section 4729.01 18198
of the Revised Code. 18199

(S) "Poison" means any drug, chemical, or preparation 18200
likely to be deleterious or destructive to adult human life in 18201
quantities of four grams or less. 18202

(T) "Licensed health professional authorized to prescribe 18203
drugs," "prescriber," and "prescription" have the same meanings 18204
as in section 4729.01 of the Revised Code. 18205

(U) "Sale" includes delivery, barter, exchange, transfer, 18206
or gift, or offer thereof, and each transaction of those natures 18207
made by any person, whether as principal, proprietor, agent, 18208
servant, or employee. 18209

(V) "Schedule I," "schedule II," "schedule III," "schedule 18210
IV," and "schedule V" mean controlled substance schedules I, II, 18211
III, IV, and V, respectively, as established by rule adopted 18212
under section 3719.41 of the Revised Code, as amended pursuant 18213
to section 3719.43 or 3719.44 of the Revised Code, or as 18214

established by emergency rule adopted under section 3719.45 of 18215
the Revised Code. 18216

(W) "Wholesaler" means a person who, on official written 18217
orders other than prescriptions, supplies controlled substances 18218
that the person has not manufactured, produced, or prepared 18219
personally and includes a "wholesale distributor of dangerous 18220
drugs" as defined in section 4729.01 of the Revised Code. 18221

(X) "Animal shelter" means a facility operated by a humane 18222
society or any society organized under Chapter 1717. of the 18223
Revised Code or a dog pound operated pursuant to Chapter 955. of 18224
the Revised Code. 18225

(Y) "Terminal distributor of dangerous drugs" has the same 18226
meaning as in section 4729.01 of the Revised Code. 18227

(Z) (1) "Controlled substance analog" means, except as 18228
provided in division (Z) (2) of this section, a substance to 18229
which both of the following apply: 18230

(a) The chemical structure of the substance is 18231
substantially similar to the structure of a controlled substance 18232
in schedule I or II. 18233

(b) One of the following applies regarding the substance: 18234

(i) The substance has a stimulant, depressant, or 18235
hallucinogenic effect on the central nervous system that is 18236
substantially similar to or greater than the stimulant, 18237
depressant, or hallucinogenic effect on the central nervous 18238
system of a controlled substance in schedule I or II. 18239

(ii) With respect to a particular person, that person 18240
represents or intends the substance to have a stimulant, 18241
depressant, or hallucinogenic effect on the central nervous 18242

system that is substantially similar to or greater than the 18243
stimulant, depressant, or hallucinogenic effect on the central 18244
nervous system of a controlled substance in schedule I or II. 18245

(2) "Controlled substance analog" does not include any of 18246
the following: 18247

(a) A controlled substance; 18248

(b) Any substance for which there is an approved new drug 18249
application; 18250

(c) With respect to a particular person, any substance if 18251
an exemption is in effect for investigational use for that 18252
person pursuant to federal law to the extent that conduct with 18253
respect to that substance is pursuant to that exemption; 18254

(d) Any substance to the extent it is not intended for 18255
human consumption before the exemption described in division (Z) 18256
(2) (b) of this section takes effect with respect to that 18257
substance. 18258

(AA) "Benzodiazepine" means a controlled substance that 18259
has United States food and drug administration approved labeling 18260
indicating that it is a benzodiazepine, benzodiazepine 18261
derivative, triazolobenzodiazepine, or triazolobenzodiazepine 18262
derivative, including the following drugs and their varying salt 18263
forms or chemical congeners: alprazolam, chlordiazepoxide 18264
hydrochloride, clobazam, clonazepam, clorazepate, diazepam, 18265
estazolam, flurazepam hydrochloride, lorazepam, midazolam, 18266
oxazepam, quazepam, temazepam, and triazolam. 18267

(BB) "Opioid analgesic" means a controlled substance that 18268
has analgesic pharmacologic activity at the opioid receptors of 18269
the central nervous system, including the following drugs and 18270
their varying salt forms or chemical congeners: buprenorphine, 18271

butorphanol, codeine (including acetaminophen and other combination products), dihydrocodeine, fentanyl, hydrocodone (including acetaminophen combination products), hydromorphone, meperidine, methadone, morphine sulfate, oxycodone (including acetaminophen, aspirin, and other combination products), oxymorphone, tapentadol, and tramadol.

(CC) "Outsourcing facility," "repackager of dangerous drugs," and "third-party logistics provider" have the same meanings as in section 4729.01 of the Revised Code.

Sec. 3796.01. (A) As used in this chapter:

(1) "Marijuana" ~~means marihuana as defined~~ has the same meaning as in section 3719.01 of the Revised Code.

(2) "Medical marijuana" means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.

(3) "Academic medical center" has the same meaning as in section 4731.297 of the Revised Code.

(4) "Drug database" means the database established and maintained by the state board of pharmacy pursuant to section 4729.75 of the Revised Code.

(5) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

(6) "Qualifying medical condition" means any of the following:

(a) Acquired immune deficiency syndrome;

(b) Alzheimer's disease;

(c) Amyotrophic lateral sclerosis;	18299
(d) Cancer;	18300
(e) Chronic traumatic encephalopathy;	18301
(f) Crohn's disease;	18302
(g) Epilepsy or another seizure disorder;	18303
(h) Fibromyalgia;	18304
(i) Glaucoma;	18305
(j) Hepatitis C;	18306
(k) Inflammatory bowel disease;	18307
(l) Multiple sclerosis;	18308
(m) Pain that is either of the following:	18309
(i) Chronic and severe;	18310
(ii) Intractable.	18311
(n) Parkinson's disease;	18312
(o) Positive status for HIV;	18313
(p) Post-traumatic stress disorder;	18314
(q) Sickle cell anemia;	18315
(r) Spinal cord disease or injury;	18316
(s) Tourette's syndrome;	18317
(t) Traumatic brain injury;	18318
(u) Ulcerative colitis;	18319
(v) Any other disease or condition added by the state	18320
medical board under section 4731.302 of the Revised Code.	18321

(7) "State university" has the same meaning as in section 3345.011 of the Revised Code. 18322
18323

(B) Notwithstanding any conflicting provision of Chapter 3719. of the Revised Code or the rules adopted under it, for purposes of this chapter, medical marijuana is a schedule II controlled substance. 18324
18325
18326
18327

Section 9. That the existing versions of sections 3719.01 and 3796.01 of the Revised Code that are scheduled to take effect on March 20, 2020, are hereby repealed. 18328
18329
18330

Section 10. The amendments to sections 3719.01 and 3796.01 of the Revised Code made in Sections 8 and 9 of this act shall take effect on March 22, 2020, or the effective date of this act, whichever is later. 18331
18332
18333
18334

Section 11. 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: 18335
18336
18337
18338
18339
18340
18341
18342

(A) As presented in Section 1 of this act: 18343

Section 2925.01 of the Revised Code as amended by Am. Sub. H.B. 49, Am. Sub. S.B. 1, Am. Sub. S.B. 201, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 259, all of the 132nd General Assembly. 18344
18345
18346
18347

Section 2925.02 of the Revised Code as amended by both Am. Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly. 18348
18349

Section 2925.04 of the Revised Code as amended by both Am. Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	18350 18351
Section 2925.05 of the Revised Code as amended by both Am. Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	18352 18353
Section 2929.01 of the Revised Code as amended by Sub. H.B. 63, Sub. H.B. 411, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	18354 18355 18356
Section 2929.14 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	18357 18358 18359
(B) As presented in Section 4 of this act:	18360
Section 109.572 of the Revised Code as amended by Am. Sub. H.B. 49, Sub. H.B. 199, Sub. H.B. 213, Am. Sub. S.B. 51, Sub. S.B. 229, Am. Sub. S.B. 255, and Sub. S.B. 263, all of the 132nd General Assembly.	18361 18362 18363 18364
Section 2923.31 of the Revised Code as amended by both Sub. H.B. 199 and Am. H.B. 405 of the 132nd General Assembly.	18365 18366
Section 2929.13 of the Revised Code as amended by Sub. H.B. 63, Am. Sub. S.B. 1, Sub. S.B. 20, Am. Sub. S.B. 66, and Am. Sub. S.B. 201, all of the 132nd General Assembly.	18367 18368 18369
Section 2929.15 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	18370 18371 18372
Section 2951.041 of the Revised Code as amended by Sub. S.B. 4, Sub. S.B. 33, and Am. Sub. S.B. 66, all of the 132nd General Assembly.	18373 18374 18375
Section 2967.18 of the Revised Code as amended by both Am.	18376

Sub. H.B. 180 and Am. Sub. H.B. 445 of the 121st General Assembly.	18377 18378
Section 2967.28 of the Revised Code as amended by both Am. Sub. S.B. 66 and Am. Sub. S.B. 201 of the 132nd General Assembly.	18379 18380 18381
Section 3719.99 of the Revised Code as amended by both Am. Sub. S.B. 1 and Am. Sub. S.B. 201 of the 132nd General Assembly.	18382 18383
Section 4510.17 of the Revised Code as amended by both Sub. H.B. 388 and Sub. S.B. 204 of the 131st General Assembly.	18384 18385