

**As Introduced**

**133rd General Assembly**

**Regular Session**

**2019-2020**

**S. B. No. 247**

**Senators Schaffer, Fedor**

**Cosponsors: Senators Kunze, Craig, Maharath, Antonio**

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**A BILL**

To amend sections 119.062, 2907.24, 2923.31, 1  
2929.13, 2950.01, 4510.07, and 4510.13 and to 2  
enact sections 109.96, 2907.231, and 2907.251 of 3  
the Revised Code to prohibit a person from 4  
engaging in prostitution and receiving proceeds 5  
of prostitution, to modify certain soliciting 6  
offenses and penalties, to create the Sexual 7  
Exploitation Public Database, and to make an 8  
appropriation. 9

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

**Section 1.** That sections 119.062, 2907.24, 2923.31, 10  
2929.13, 2950.01, 4510.07, and 4510.13 be amended and sections 11  
109.96, 2907.231, and 2907.251 of the Revised Code be enacted to 12  
read as follows: 13

**Sec. 109.96.** (A) As used in this section: 14

(1) "Conviction record" means a record containing all of 15  
the following: 16

(a) The prostitution offender's full legal name; 17

|   |                                  |
|---|----------------------------------|
| <u>(b) The prostitution offender's last known address;</u>  | 18                               |
| <u>(c) A color photograph of the prostitution offender;</u>   | 19                               |
| <u>(d) The offense that the prostitution offender was convicted of or pleaded guilty to;</u>  | 20<br>21                         |
| <u>(e) The date the offense listed in division (A)(1)(d) of this section was committed;</u>   | 22<br>23                         |
| <u>(f) The city and county where the offense listed in division (A)(1)(d) of this section was committed.</u>  | 24<br>25                         |
| <u>(2) "Prostitution offender" means a person who was convicted of or pleaded guilty to a prostitution offense.</u>   | 26<br>27                         |
| <u>(3) "Prostitution offense" means a violation of section 2907.22 or 2907.231 of the Revised Code.</u>   | 28<br>29                         |
| <u>(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.</u>  | 30<br>31                         |
| <u>(B) The attorney general shall establish and maintain the sexual exploitation public database.</u>   | 32<br>33                         |
| <u>(C) If a person is convicted of or pleads guilty to a prostitution offense on or after the effective date of this section, the clerk of courts shall send the prostitution offender's conviction record to the attorney general.</u>   | 34<br>35<br>36<br>37             |
| <u>(D) The attorney general shall ensure that a prostitution offender's conviction records received under division (C) of this section are entered into the sexual exploitation public database if the prostitution offender was convicted of or pleaded guilty to the prostitution offense on or after the effective date of this section.</u> | 38<br>39<br>40<br>41<br>42<br>43 |
| <u>(E) The attorney general shall ensure that a prostitution</u>  | 44                               |

offender's conviction records are removed from the sexual 45  
exploitation public database in accordance with the following: 46

(1) If five years have elapsed since the prostitution 47  
offender's most recent conviction of or plea of guilty to a 48  
prostitution offense or a sexually oriented offense, the 49  
attorney general shall automatically remove the prostitution 50  
offender from the sexual exploitation public database. The 51  
prostitution offender does not need to submit an application to 52  
be removed from the sexual exploitation public database under 53  
this division. 54

(2) If the prostitution offender's conviction of or plea 55  
of guilty to a prostitution offense or a sexually oriented 56  
offense has been overturned, expunged, or sealed prior to the 57  
automatic removal from the sexual exploitation public database 58  
described in division (E)(1) of this section, the prostitution 59  
offender may submit an application to be removed from the sexual 60  
exploitation public database. If the attorney general approves 61  
the prostitution offender's application to be removed from the 62  
sexual exploitation public database, the attorney general shall 63  
remove the prostitution offender from the sexual exploitation 64  
public database. 65

(F) The attorney general shall adopt rules under Chapter 66  
119. of the Revised Code establishing guidelines for the 67  
establishment and operation of the sexual exploitation public 68  
database and prescribe forms necessary for the establishment and 69  
operation of the sexual exploitation public database, including 70  
rules and forms establishing procedures for a prostitution 71  
offender to submit an application to be removed from the sexual 72  
exploitation public database and for the attorney general to 73  
approve or deny a prostitution offender's application to be 74

removed from the sexual exploitation public database. 75

**Sec. 119.062.** (A) Notwithstanding section 119.06 of the 76  
Revised Code, the registrar of motor vehicles is not required to 77  
hold any hearing in connection with an order canceling or 78  
suspending a motor vehicle driver's or commercial driver's 79  
license pursuant to section 2903.06, 2903.08, ~~2907.24~~, 2921.331, 80  
4549.02, 4549.021, or 5743.99 or any provision of Chapter 2925., 81  
4509., 4510., or 4511. of the Revised Code or in connection with 82  
an out-of-service order issued under Chapter 4506. of the 83  
Revised Code. 84

(B) Notwithstanding section 119.07 of the Revised Code, 85  
the registrar is not required to use registered mail, return 86  
receipt requested, in connection with an order canceling or 87  
suspending a motor vehicle driver's or commercial driver's 88  
license or a notification to a person to surrender a certificate 89  
of registration and registration plates. 90

**Sec. 2907.231.** (A) As used in this section, "sexual 91  
activity for hire" means an implicit or explicit agreement to 92  
provide sexual activity in exchange for anything of value paid 93  
to the person engaging in such sexual activity, to any person 94  
trafficking that person, or to any person associated with either 95  
such person. 96

(B) No person shall recklessly induce, entice, or procure 97  
another to engage in sexual activity for hire in exchange for 98  
the person giving anything of value to the other person. 99

(C) Whoever violates division (B) of this section is 100  
guilty of engaging in prostitution, and the offender shall be 101  
punished as follows: 102

(1) Except as provided in divisions (C) (2) and (3) of this 103

section, engaging in prostitution is a misdemeanor of the first 104  
degree. In sentencing the offender under this division, the 105  
court shall require the offender to attend an education or 106  
treatment program aimed at preventing persons from inducing, 107  
enticing, or procuring another to engage in sexual activity for 108  
hire in exchange for the person giving anything of value to the 109  
other person and, notwithstanding the fine specified in division 110  
(A) (2) (a) of section 2929.28 of the Revised Code for a 111  
misdemeanor of the first degree, the court may impose upon the 112  
offender a fine of not more than one thousand five hundred 113  
dollars. 114

(2) Except as provided in division (C) (3) of this section, 115  
if the offender previously has been convicted of or pleaded 116  
guilty to a violation of this section, engaging in prostitution 117  
is a felony of the fifth degree. In sentencing the offender 118  
under this division, notwithstanding division (A) (5) of section 119  
2929.14 of the Revised Code, the court shall impose on the 120  
offender a mandatory prison term of one month and the court may 121  
impose upon the offender a definite prison term from the range 122  
of prison terms in division (A) (5) of section 2929.14 of the 123  
Revised Code. 124

(3) If the offender previously has been convicted of or 125  
pleaded guilty to two or more violations of this section, 126  
engaging in prostitution is a felony of the fourth degree. In 127  
sentencing the offender under this division, the court shall 128  
impose upon the offender a mandatory prison term of six months 129  
and the court may impose on the offender a definite prison term 130  
from the range of prison terms in division (A) (4) of section 131  
2929.14 of the Revised Code. 132

**Sec. 2907.24.** (A) ~~(1)~~ No person shall knowingly solicit 133

~~another who is eighteen years of age or older to engage with- 134  
such other person in sexual activity for hire in exchange for 135  
the person receiving anything of value from the other person. 136~~

~~(2) No person shall solicit another to engage with such- 137  
other person in sexual activity for hire if the other person is- 138  
sixteen or seventeen years of age and the offender knows that- 139  
the other person is sixteen or seventeen years of age or is- 140  
reckless in that regard. 141~~

~~(3) No person shall solicit another to engage with such- 142  
other person in sexual activity for hire if either of the- 143  
following applies: 144~~

~~(a) The other person is less than sixteen years of age, 145  
whether or not the offender knows the age of the other person. 146~~

~~(b) The other person is a person with a developmental- 147  
disability and the offender knows or has reasonable cause to- 148  
believe the other person is a person with a developmental- 149  
disability. 150~~

(B) No person, with knowledge that the person has tested 151  
positive as a carrier of a virus that causes acquired 152  
immunodeficiency syndrome, shall engage in conduct in violation 153  
of division (A) of this section. 154

(C) (1) Whoever violates division (A) of this section is 155  
guilty of soliciting. ~~A violation of division (A) (1) of this 156  
section Soliciting is a misdemeanor of the third degree. A- 157  
violation of division (A) (2) of this section is a felony of the- 158  
fifth degree. A violation of division (A) (3) of this section is- 159  
a felony of the third degree. 160~~

(2) Whoever violates division (B) of this section is 161  
guilty of engaging in solicitation after a positive HIV test. If 162

the offender commits the violation prior to July 1, 1996, 163  
engaging in solicitation after a positive HIV test is a felony 164  
of the second degree. If the offender commits the violation on 165  
or after July 1, 1996, engaging in solicitation after a positive 166  
HIV test is a felony of the third degree. 167

~~(D) If a person is convicted of or pleads guilty to a 168  
violation of any provision of this section, an attempt to commit 169  
a violation of any provision of this section, or a violation of 170  
or an attempt to commit a violation of a municipal ordinance 171  
that is substantially equivalent to any provision of this 172  
section and if the person, in committing or attempting to commit 173  
the violation, was in, was on, or used a motor vehicle, the 174  
court, in addition to or independent of all other penalties 175  
imposed for the violation, may impose upon the offender a class 176  
six suspension of the person's driver's license, commercial 177  
driver's license, temporary instruction permit, probationary 178  
license, or nonresident operating privilege from the range 179  
specified in division (A)(6) of section 4510.02 of the Revised 180  
Code. In lieu of imposing upon the offender the class six 181  
suspension, the court instead may require the offender to 182  
perform community service for a number of hours determined by 183  
the court. 184~~

~~(E) As used in this section: 185~~

~~(1) "Person with a developmental disability" has the same 186  
meaning as in section 2905.32 of the Revised Code. 187~~

~~(2), "Sexual sexual activity for hire" means an implicit 188  
or explicit agreement to provide sexual activity in exchange for 189  
anything of value paid to the person engaging in such sexual 190  
activity, to any person trafficking that person, or to any 191  
person associated with either such person. 192~~

Sec. 2907.251. (A) As used in this section, "sexual activity for hire" has the same meaning as in section 2907.24 of the Revised Code. 193  
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(B) No person shall knowingly receive or acquire money or any other thing of value from a prostitute earned from sexual activity for hire. 196  
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(C) (1) Whoever violates this section is guilty of receiving proceeds of prostitution. Except as provided in division (C) (2) of this section, receiving proceeds of prostitution is a felony of the third degree. 199  
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(2) If a person violates this section by knowingly receiving or acquiring money or any other thing of value from a prostitute under division (B) of this section and the prostitute is under eighteen years of age, receiving proceeds of prostitution is a felony of the second degree. 203  
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**Sec. 2923.31.** As used in sections 2923.31 to 2923.36 of the Revised Code: 208  
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(A) "Beneficial interest" means any of the following: 210

(1) The interest of a person as a beneficiary under a trust in which the trustee holds title to personal or real property; 211  
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(2) The interest of a person as a beneficiary under any other trust arrangement under which any other person holds title to personal or real property for the benefit of such person; 214  
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(3) The interest of a person under any other form of express fiduciary arrangement under which any other person holds title to personal or real property for the benefit of such person. 217  
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"Beneficial interest" does not include the interest of a stockholder in a corporation or the interest of a partner in either a general or limited partnership.

(B) "Costs of investigation and prosecution" and "costs of investigation and litigation" mean all of the costs incurred by the state or a county or municipal corporation under sections 2923.31 to 2923.36 of the Revised Code in the prosecution and investigation of any criminal action or in the litigation and investigation of any civil action, and includes, but is not limited to, the costs of resources and personnel.

(C) "Enterprise" includes any individual, sole proprietorship, partnership, limited partnership, corporation, trust, union, government agency, or other legal entity, or any organization, association, or group of persons associated in fact although not a legal entity. "Enterprise" includes illicit as well as licit enterprises.

(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 251  
occur on or after January 1, 1986. Unless any incident was an 252  
aggravated murder or murder, the last of the incidents forming 253  
the pattern shall occur within six years after the commission of 254  
any prior incident forming the pattern, excluding any period of 255  
imprisonment served by any person engaging in the corrupt 256  
activity. 257

For the purposes of the criminal penalties that may be 258  
imposed pursuant to section 2923.32 of the Revised Code, at 259  
least one of the incidents forming the pattern shall constitute 260  
a felony under the laws of this state in existence at the time 261  
it was committed or, if committed in violation of the laws of 262  
the United States or of any other state, shall constitute a 263  
felony under the law of the United States or the other state and 264  
would be a criminal offense under the law of this state if 265  
committed in this state. 266

(F) "Pecuniary value" means money, a negotiable 267  
instrument, a commercial interest, or anything of value, as 268  
defined in section 1.03 of the Revised Code, or any other 269  
property or service that has a value in excess of one hundred 270  
dollars. 271

(G) "Person" means any person, as defined in section 1.59 272  
of the Revised Code, and any governmental officer, employee, or 273  
entity. 274

(H) "Personal property" means any personal property, any 275  
interest in personal property, or any right, including, but not 276  
limited to, bank accounts, debts, corporate stocks, patents, or 277  
copyrights. Personal property and any beneficial interest in 278  
personal property are deemed to be located where the trustee of 279  
the property, the personal property, or the instrument 280

evidencing the right is located. 281

(I) "Corrupt activity" means engaging in, attempting to 282  
engage in, conspiring to engage in, or soliciting, coercing, or 283  
intimidating another person to engage in any of the following: 284

(1) Conduct defined as "racketeering activity" under the 285  
"Organized Crime Control Act of 1970," 84 Stat. 941, 18 U.S.C. 286  
1961(1)(B), (1)(C), (1)(D), and (1)(E), as amended; 287

(2) Conduct constituting any of the following: 288

(a) A violation of section 1315.55, 1322.07, 2903.01, 289  
2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2905.01, 2905.02, 290  
2905.11, 2905.22, 2905.32 as specified in division (I)(2)(g) of 291  
this section, 2907.251, 2907.321, 2907.322, 2907.323, 2909.02, 292  
2909.03, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 2909.28, 293  
2909.29, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2911.31, 294  
2913.05, 2913.06, 2913.30, 2921.02, 2921.03, 2921.04, 2921.11, 295  
2921.12, 2921.32, 2921.41, 2921.42, 2921.43, 2923.12, or 296  
2923.17; division (F)(1)(a), (b), or (c) of section 1315.53; 297  
division (A)(1) or (2) of section 1707.042; division (B), (C) 298  
(4), (D), (E), or (F) of section 1707.44; division (A)(1) or (2) 299  
of section 2923.20; division (E) or (G) of section 3772.99; 300  
division (J)(1) of section 4712.02; section 4719.02, 4719.05, or 301  
4719.06; division (C), (D), or (E) of section 4719.07; section 302  
4719.08; or division (A) of section 4719.09 of the Revised Code. 303

(b) Any violation of section 3769.11, 3769.15, 3769.16, or 304  
3769.19 of the Revised Code as it existed prior to July 1, 1996, 305  
any violation of section 2915.02 of the Revised Code that occurs 306  
on or after July 1, 1996, and that, had it occurred prior to 307  
that date, would have been a violation of section 3769.11 of the 308  
Revised Code as it existed prior to that date, or any violation 309

of section 2915.05 of the Revised Code that occurs on or after 310  
July 1, 1996, and that, had it occurred prior to that date, 311  
would have been a violation of section 3769.15, 3769.16, or 312  
3769.19 of the Revised Code as it existed prior to that date. 313

(c) Any violation of section 2907.21, 2907.22, 2907.31, 314  
2913.02, 2913.11, 2913.21, 2913.31, 2913.32, 2913.34, 2913.42, 315  
2913.47, 2913.51, 2915.03, 2925.03, 2925.04, 2925.05, or 2925.37 316  
of the Revised Code, any violation of section 2925.11 of the 317  
Revised Code that is a felony of the first, second, third, or 318  
fourth degree and that occurs on or after July 1, 1996, any 319  
violation of section 2915.02 of the Revised Code that occurred 320  
prior to July 1, 1996, any violation of section 2915.02 of the 321  
Revised Code that occurs on or after July 1, 1996, and that, had 322  
it occurred prior to that date, would not have been a violation 323  
of section 3769.11 of the Revised Code as it existed prior to 324  
that date, any violation of section 2915.06 of the Revised Code 325  
as it existed prior to July 1, 1996, or any violation of 326  
division (B) of section 2915.05 of the Revised Code as it exists 327  
on and after July 1, 1996, when the proceeds of the violation, 328  
the payments made in the violation, the amount of a claim for 329  
payment or for any other benefit that is false or deceptive and 330  
that is involved in the violation, or the value of the 331  
contraband or other property illegally possessed, sold, or 332  
purchased in the violation exceeds one thousand dollars, or any 333  
combination of violations described in division (I) (2) (c) of 334  
this section when the total proceeds of the combination of 335  
violations, payments made in the combination of violations, 336  
amount of the claims for payment or for other benefits that is 337  
false or deceptive and that is involved in the combination of 338  
violations, or value of the contraband or other property 339  
illegally possessed, sold, or purchased in the combination of 340

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| violations exceeds one thousand dollars;                         | 341 |
| (d) Any violation of section 5743.112 of the Revised Code        | 342 |
| when the amount of unpaid tax exceeds one hundred dollars;       | 343 |
| (e) Any violation or combination of violations of section        | 344 |
| 2907.32 of the Revised Code involving any material or            | 345 |
| performance containing a display of bestiality or of sexual      | 346 |
| conduct, as defined in section 2907.01 of the Revised Code, that | 347 |
| is explicit and depicted with clearly visible penetration of the | 348 |
| genitals or clearly visible penetration by the penis of any      | 349 |
| orifice when the total proceeds of the violation or combination  | 350 |
| of violations, the payments made in the violation or combination | 351 |
| of violations, or the value of the contraband or other property  | 352 |
| illegally possessed, sold, or purchased in the violation or      | 353 |
| combination of violations exceeds one thousand dollars;          | 354 |
| (f) Any combination of violations described in division          | 355 |
| (I) (2) (c) of this section and violations of section 2907.32 of | 356 |
| the Revised Code involving any material or performance           | 357 |
| containing a display of bestiality or of sexual conduct, as      | 358 |
| defined in section 2907.01 of the Revised Code, that is explicit | 359 |
| and depicted with clearly visible penetration of the genitals or | 360 |
| clearly visible penetration by the penis of any orifice when the | 361 |
| total proceeds of the combination of violations, payments made   | 362 |
| in the combination of violations, amount of the claims for       | 363 |
| payment or for other benefits that is false or deceptive and     | 364 |
| that is involved in the combination of violations, or value of   | 365 |
| the contraband or other property illegally possessed, sold, or   | 366 |
| purchased in the combination of violations exceeds one thousand  | 367 |
| dollars;   | 368 |
| (g) Any violation of section 2905.32 of the Revised Code         | 369 |
| to the extent the violation is not based solely on the same      | 370 |

conduct that constitutes corrupt activity pursuant to division 371  
(I) (2) (c) of this section due to the conduct being in violation 372  
of section 2907.21 of the Revised Code. 373

(3) Conduct constituting a violation of any law of any 374  
state other than this state that is substantially similar to the 375  
conduct described in division (I) (2) of this section, provided 376  
the defendant was convicted of the conduct in a criminal 377  
proceeding in the other state; 378

(4) Animal or ecological terrorism; 379

(5) (a) Conduct constituting any of the following: 380

(i) Organized retail theft; 381

(ii) Conduct that constitutes one or more violations of 382  
any law of any state other than this state, that is 383  
substantially similar to organized retail theft, and that if 384  
committed in this state would be organized retail theft, if the 385  
defendant was convicted of or pleaded guilty to the conduct in a 386  
criminal proceeding in the other state. 387

(b) By enacting division (I) (5) (a) of this section, it is 388  
the intent of the general assembly to add organized retail theft 389  
and the conduct described in division (I) (5) (a) (ii) of this 390  
section as conduct constituting corrupt activity. The enactment 391  
of division (I) (5) (a) of this section and the addition by 392  
division (I) (5) (a) of this section of organized retail theft and 393  
the conduct described in division (I) (5) (a) (ii) of this section 394  
as conduct constituting corrupt activity does not limit or 395  
preclude, and shall not be construed as limiting or precluding, 396  
any prosecution for a violation of section 2923.32 of the 397  
Revised Code that is based on one or more violations of section 398  
2913.02 or 2913.51 of the Revised Code, one or more similar 399

offenses under the laws of this state or any other state, or any 400  
combination of any of those violations or similar offenses, even 401  
though the conduct constituting the basis for those violations 402  
or offenses could be construed as also constituting organized 403  
retail theft or conduct of the type described in division (I)(5) 404  
(a)(ii) of this section. 405

(J) "Real property" means any real property or any 406  
interest in real property, including, but not limited to, any 407  
lease of, or mortgage upon, real property. Real property and any 408  
beneficial interest in it is deemed to be located where the real 409  
property is located. 410

(K) "Trustee" means any of the following: 411

(1) Any person acting as trustee under a trust in which 412  
the trustee holds title to personal or real property; 413

(2) Any person who holds title to personal or real 414  
property for which any other person has a beneficial interest; 415

(3) Any successor trustee. 416

"Trustee" does not include an assignee or trustee for an 417  
insolvent debtor or an executor, administrator, administrator 418  
with the will annexed, testamentary trustee, guardian, or 419  
committee, appointed by, under the control of, or accountable to 420  
a court. 421

(L) "Unlawful debt" means any money or other thing of 422  
value constituting principal or interest of a debt that is 423  
legally unenforceable in this state in whole or in part because 424  
the debt was incurred or contracted in violation of any federal 425  
or state law relating to the business of gambling activity or 426  
relating to the business of lending money at an usurious rate 427  
unless the creditor proves, by a preponderance of the evidence, 428

that the usurious rate was not intentionally set and that it 429  
resulted from a good faith error by the creditor, 430  
notwithstanding the maintenance of procedures that were adopted 431  
by the creditor to avoid an error of that nature. 432

(M) "Animal activity" means any activity that involves the 433  
use of animals or animal parts, including, but not limited to, 434  
hunting, fishing, trapping, traveling, camping, the production, 435  
preparation, or processing of food or food products, clothing or 436  
garment manufacturing, medical research, other research, 437  
entertainment, recreation, agriculture, biotechnology, or 438  
service activity that involves the use of animals or animal 439  
parts. 440

(N) "Animal facility" means a vehicle, building, 441  
structure, nature preserve, or other premises in which an animal 442  
is lawfully kept, handled, housed, exhibited, bred, or offered 443  
for sale, including, but not limited to, a zoo, rodeo, circus, 444  
amusement park, hunting preserve, or premises in which a horse 445  
or dog event is held. 446

(O) "Animal or ecological terrorism" means the commission 447  
of any felony that involves causing or creating a substantial 448  
risk of physical harm to any property of another, the use of a 449  
deadly weapon or dangerous ordnance, or purposely, knowingly, or 450  
recklessly causing serious physical harm to property and that 451  
involves an intent to obstruct, impede, or deter any person from 452  
participating in a lawful animal activity, from mining, 453  
forestry, harvesting, gathering, or processing natural 454  
resources, or from being lawfully present in or on an animal 455  
facility or research facility. 456

(P) "Research facility" means a place, laboratory, 457  
institution, medical care facility, government facility, or 458



public or private educational institution in which a scientific 459  
test, experiment, or investigation involving the use of animals 460  
or other living organisms is lawfully carried out, conducted, or 461  
attempted. 462

(Q) "Organized retail theft" means the theft of retail 463  
property with a retail value of one thousand dollars or more 464  
from one or more retail establishments with the intent to sell, 465  
deliver, or transfer that property to a retail property fence. 466

(R) "Retail property" means any tangible personal property 467  
displayed, held, stored, or offered for sale in or by a retail 468  
establishment. 469

(S) "Retail property fence" means a person who possesses, 470  
procures, receives, or conceals retail property that was 471  
represented to the person as being stolen or that the person 472  
knows or believes to be stolen. 473

(T) "Retail value" means the full retail value of the 474  
retail property. In determining whether the retail value of 475  
retail property equals or exceeds one thousand dollars, the 476  
value of all retail property stolen from the retail 477  
establishment or retail establishments by the same person or 478  
persons within any one-hundred-eighty-day period shall be 479  
aggregated. 480

**Sec. 2929.13.** (A) Except as provided in division (E), (F), 481  
or (G) of this section and unless a specific sanction is 482  
required to be imposed or is precluded from being imposed 483  
pursuant to law, a court that imposes a sentence upon an 484  
offender for a felony may impose any sanction or combination of 485  
sanctions on the offender that are provided in sections 2929.14 486  
to 2929.18 of the Revised Code. 487

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G) (1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B) (3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G) (1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for 519  
which sentence is imposed under division (G) (2) of this section, 520  
an additional prison term as described in division (B) (4) of 521  
section 2929.14 of the Revised Code or a community control 522  
sanction as described in division (G) (2) of this section. 523

(B) (1) (a) Except as provided in division (B) (1) (b) of this 524  
section, if an offender is convicted of or pleads guilty to a 525  
felony of the fourth or fifth degree that is not an offense of 526  
violence or a violation of section 2907.231 of the Revised Code 527  
or that is a qualifying assault offense, the court shall 528  
sentence the offender to a community control sanction or 529  
combination of community control sanctions if all of the 530  
following apply: 531

(i) The offender previously has not been convicted of or 532  
pleaded guilty to a felony offense. 533

(ii) The most serious charge against the offender at the 534  
time of sentencing is a felony of the fourth or fifth degree. 535

(iii) The offender previously has not been convicted of or 536  
pleaded guilty to a misdemeanor offense of violence that the 537  
offender committed within two years prior to the offense for 538  
which sentence is being imposed. 539

(b) The court has discretion to impose a prison term upon 540  
an offender who is convicted of or pleads guilty to a felony of 541  
the fourth or fifth degree that is not an offense of violence or 542  
that is a qualifying assault offense if any of the following 543  
apply: 544

(i) The offender committed the offense while having a 545  
firearm on or about the offender's person or under the 546  
offender's control. 547

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

(iii) The offender violated a term of the conditions of bond as set by the court.

(iv) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.

(v) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(vii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(viii) The offender committed the offense for hire or as part of an organized criminal activity.

(ix) The offender at the time of the offense was serving, or the offender previously had served, a prison term.

(x) The offender committed the offense while under a

community control sanction, while on probation, or while 576  
released from custody on a bond or personal recognizance. 577

(c) A sentencing court may impose an additional penalty 578  
under division (B) of section 2929.15 of the Revised Code upon 579  
an offender sentenced to a community control sanction under 580  
division (B)(1)(a) of this section if the offender violates the 581  
conditions of the community control sanction, violates a law, or 582  
leaves the state without the permission of the court or the 583  
offender's probation officer. 584

(2) If division (B)(1) of this section does not apply, 585  
except as provided in division (E), (F), or (G) of this section, 586  
in determining whether to impose a prison term as a sanction for 587  
a felony of the fourth or fifth degree, the sentencing court 588  
shall comply with the purposes and principles of sentencing 589  
under section 2929.11 of the Revised Code and with section 590  
2929.12 of the Revised Code. 591

(C) Except as provided in division (D), (E), (F), or (G) 592  
of this section, in determining whether to impose a prison term 593  
as a sanction for a felony of the third degree or a felony drug 594  
offense that is a violation of a provision of Chapter 2925. of 595  
the Revised Code and that is specified as being subject to this 596  
division for purposes of sentencing, the sentencing court shall 597  
comply with the purposes and principles of sentencing under 598  
section 2929.11 of the Revised Code and with section 2929.12 of 599  
the Revised Code. 600

(D)(1) Except as provided in division (E) or (F) of this 601  
section, for a felony of the first or second degree, for a 602  
felony drug offense that is a violation of any provision of 603  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 604  
presumption in favor of a prison term is specified as being 605

applicable, and for a violation of division (A) (4) or (B) of 606  
section 2907.05 of the Revised Code for which a presumption in 607  
favor of a prison term is specified as being applicable, it is 608  
presumed that a prison term is necessary in order to comply with 609  
the purposes and principles of sentencing under section 2929.11 610  
of the Revised Code. Division (D) (2) of this section does not 611  
apply to a presumption established under this division for a 612  
violation of division (A) (4) of section 2907.05 of the Revised 613  
Code. 614

(2) Notwithstanding the presumption established under 615  
division (D) (1) of this section for the offenses listed in that 616  
division other than a violation of division (A) (4) or (B) of 617  
section 2907.05 of the Revised Code, the sentencing court may 618  
impose a community control sanction or a combination of 619  
community control sanctions instead of a prison term on an 620  
offender for a felony of the first or second degree or for a 621  
felony drug offense that is a violation of any provision of 622  
Chapter 2925., 3719., or 4729. of the Revised Code for which a 623  
presumption in favor of a prison term is specified as being 624  
applicable if it makes both of the following findings: 625

(a) A community control sanction or a combination of 626  
community control sanctions would adequately punish the offender 627  
and protect the public from future crime, because the applicable 628  
factors under section 2929.12 of the Revised Code indicating a 629  
lesser likelihood of recidivism outweigh the applicable factors 630  
under that section indicating a greater likelihood of 631  
recidivism. 632

(b) A community control sanction or a combination of 633  
community control sanctions would not demean the seriousness of 634  
the offense, because one or more factors under section 2929.12 635

of the Revised Code that indicate that the offender's conduct 636  
was less serious than conduct normally constituting the offense 637  
are applicable, and they outweigh the applicable factors under 638  
that section that indicate that the offender's conduct was more 639  
serious than conduct normally constituting the offense. 640

(E) (1) Except as provided in division (F) of this section, 641  
for any drug offense that is a violation of any provision of 642  
Chapter 2925. of the Revised Code and that is a felony of the 643  
third, fourth, or fifth degree, the applicability of a 644  
presumption under division (D) of this section in favor of a 645  
prison term or of division (B) or (C) of this section in 646  
determining whether to impose a prison term for the offense 647  
shall be determined as specified in section 2925.02, 2925.03, 648  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.22, 2925.23, 649  
2925.36, or 2925.37 of the Revised Code, whichever is applicable 650  
regarding the violation. 651

(2) If an offender who was convicted of or pleaded guilty 652  
to a felony violates the conditions of a community control 653  
sanction imposed for the offense solely by reason of producing 654  
positive results on a drug test or by acting pursuant to 655  
division (B) (2) (b) of section 2925.11 of the Revised Code with 656  
respect to a minor drug possession offense, the court, as 657  
punishment for the violation of the sanction, shall not order 658  
that the offender be imprisoned unless the court determines on 659  
the record either of the following: 660

(a) The offender had been ordered as a sanction for the 661  
felony to participate in a drug treatment program, in a drug 662  
education program, or in narcotics anonymous or a similar 663  
program, and the offender continued to use illegal drugs after a 664  
reasonable period of participation in the program. 665

(b) The imprisonment of the offender for the violation is 666  
consistent with the purposes and principles of sentencing set 667  
forth in section 2929.11 of the Revised Code. 668

(3) A court that sentences an offender for a drug abuse 669  
offense that is a felony of the third, fourth, or fifth degree 670  
may require that the offender be assessed by a properly 671  
credentialed professional within a specified period of time. The 672  
court shall require the professional to file a written 673  
assessment of the offender with the court. If the offender is 674  
eligible for a community control sanction and after considering 675  
the written assessment, the court may impose a community control 676  
sanction that includes addiction services and recovery supports 677  
included in a community-based continuum of care established 678  
under section 340.032 of the Revised Code. If the court imposes 679  
addiction services and recovery supports as a community control 680  
sanction, the court shall direct the level and type of addiction 681  
services and recovery supports after considering the assessment 682  
and recommendation of community addiction services providers. 683

(F) Notwithstanding divisions (A) to (E) of this section, 684  
the court shall impose a prison term or terms under sections 685  
2929.02 to 2929.06, section 2929.14, section 2929.142, or 686  
section 2971.03 of the Revised Code and except as specifically 687  
provided in section 2929.20, divisions (C) to (I) of section 688  
2967.19, or section 2967.191 of the Revised Code or when parole 689  
is authorized for the offense under section 2967.13 of the 690  
Revised Code shall not reduce the term or terms pursuant to 691  
section 2929.20, section 2967.19, section 2967.193, or any other 692  
provision of Chapter 2967. or Chapter 5120. of the Revised Code 693  
for any of the following offenses: 694

(1) Aggravated murder when death is not imposed or murder; 695



(2) Any rape, regardless of whether force was involved and 696  
regardless of the age of the victim, or an attempt to commit 697  
rape if, had the offender completed the rape that was attempted, 698  
the offender would have been guilty of a violation of division 699  
(A) (1) (b) of section 2907.02 of the Revised Code and would be 700  
sentenced under section 2971.03 of the Revised Code; 701

(3) Gross sexual imposition or sexual battery, if the 702  
victim is less than thirteen years of age and if any of the 703  
following applies: 704

(a) Regarding gross sexual imposition, the offender 705  
previously was convicted of or pleaded guilty to rape, the 706  
former offense of felonious sexual penetration, gross sexual 707  
imposition, or sexual battery, and the victim of the previous 708  
offense was less than thirteen years of age; 709

(b) Regarding gross sexual imposition, the offense was 710  
committed on or after August 3, 2006, and evidence other than 711  
the testimony of the victim was admitted in the case 712  
corroborating the violation. 713

(c) Regarding sexual battery, either of the following 714  
applies: 715

(i) The offense was committed prior to August 3, 2006, the 716  
offender previously was convicted of or pleaded guilty to rape, 717  
the former offense of felonious sexual penetration, or sexual 718  
battery, and the victim of the previous offense was less than 719  
thirteen years of age. 720

(ii) The offense was committed on or after August 3, 2006. 721

(4) A felony violation of section 2903.04, 2903.06, 722  
2903.08, 2903.11, 2903.12, 2903.13, 2905.32, 2907.07, 2907.231, 723  
2921.321, or 2923.132 of the Revised Code if the section 724

|  |     |
|--|-----|
| requires the imposition of a prison term;                        | 725 |
| (5) A first, second, or third degree felony drug offense         | 726 |
| for which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06,   | 727 |
| 2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99,   | 728 |
| or 4729.99 of the Revised Code, whichever is applicable          | 729 |
| regarding the violation, requires the imposition of a mandatory  | 730 |
| prison term;   | 731 |
| (6) Any offense that is a first or second degree felony          | 732 |
| and that is not set forth in division (F)(1), (2), (3), or (4)   | 733 |
| of this section, if the offender previously was convicted of or  | 734 |
| pleaded guilty to aggravated murder, murder, any first or second | 735 |
| degree felony, or an offense under an existing or former law of  | 736 |
| this state, another state, or the United States that is or was   | 737 |
| substantially equivalent to one of those offenses;               | 738 |
| (7) Any offense that is a third degree felony and either         | 739 |
| is a violation of section 2903.04 of the Revised Code or an      | 740 |
| attempt to commit a felony of the second degree that is an       | 741 |
| offense of violence and involved an attempt to cause serious     | 742 |
| physical harm to a person or that resulted in serious physical   | 743 |
| harm to a person if the offender previously was convicted of or  | 744 |
| pleaded guilty to any of the following offenses:                 | 745 |
| (a) Aggravated murder, murder, involuntary manslaughter,         | 746 |
| rape, felonious sexual penetration as it existed under section   | 747 |
| 2907.12 of the Revised Code prior to September 3, 1996, a felony | 748 |
| of the first or second degree that resulted in the death of a    | 749 |
| person or in physical harm to a person, or complicity in or an   | 750 |
| attempt to commit any of those offenses;                         | 751 |
| (b) An offense under an existing or former law of this           | 752 |
| state, another state, or the United States that is or was        | 753 |

substantially equivalent to an offense listed in division (F) (7) 754  
(a) of this section that resulted in the death of a person or in 755  
physical harm to a person. 756

(8) Any offense, other than a violation of section 2923.12 757  
of the Revised Code, that is a felony, if the offender had a 758  
firearm on or about the offender's person or under the 759  
offender's control while committing the felony, with respect to 760  
a portion of the sentence imposed pursuant to division (B) (1) (a) 761  
of section 2929.14 of the Revised Code for having the firearm; 762

(9) Any offense of violence that is a felony, if the 763  
offender wore or carried body armor while committing the felony 764  
offense of violence, with respect to the portion of the sentence 765  
imposed pursuant to division (B) (1) (d) of section 2929.14 of the 766  
Revised Code for wearing or carrying the body armor; 767

(10) Corrupt activity in violation of section 2923.32 of 768  
the Revised Code when the most serious offense in the pattern of 769  
corrupt activity that is the basis of the offense is a felony of 770  
the first degree; 771

(11) Any violent sex offense or designated homicide, 772  
assault, or kidnapping offense if, in relation to that offense, 773  
the offender is adjudicated a sexually violent predator; 774

(12) A violation of division (A) (1) or (2) of section 775  
2921.36 of the Revised Code, or a violation of division (C) of 776  
that section involving an item listed in division (A) (1) or (2) 777  
of that section, if the offender is an officer or employee of 778  
the department of rehabilitation and correction; 779

(13) A violation of division (A) (1) or (2) of section 780  
2903.06 of the Revised Code if the victim of the offense is a 781  
peace officer, as defined in section 2935.01 of the Revised 782

Code, or an investigator of the bureau of criminal 783  
identification and investigation, as defined in section 2903.11 784  
of the Revised Code, with respect to the portion of the sentence 785  
imposed pursuant to division (B) (5) of section 2929.14 of the 786  
Revised Code; 787

(14) A violation of division (A) (1) or (2) of section 788  
2903.06 of the Revised Code if the offender has been convicted 789  
of or pleaded guilty to three or more violations of division (A) 790  
or (B) of section 4511.19 of the Revised Code or an equivalent 791  
offense, as defined in section 2941.1415 of the Revised Code, or 792  
three or more violations of any combination of those divisions 793  
and offenses, with respect to the portion of the sentence 794  
imposed pursuant to division (B) (6) of section 2929.14 of the 795  
Revised Code; 796

(15) Kidnapping, in the circumstances specified in section 797  
2971.03 of the Revised Code and when no other provision of 798  
division (F) of this section applies; 799

(16) Kidnapping, abduction, compelling prostitution, 800  
promoting prostitution, engaging in a pattern of corrupt 801  
activity, a violation of division (A) (1) or (2) of section 802  
2907.323 of the Revised Code that involves a minor, or 803  
endangering children in violation of division (B) (1), (2), (3), 804  
(4), or (5) of section 2919.22 of the Revised Code, if the 805  
offender is convicted of or pleads guilty to a specification as 806  
described in section 2941.1422 of the Revised Code that was 807  
included in the indictment, count in the indictment, or 808  
information charging the offense; 809

(17) A felony violation of division (A) or (B) of section 810  
2919.25 of the Revised Code if division (D) (3), (4), or (5) of 811  
that section, and division (D) (6) of that section, require the 812

imposition of a prison term; 813

(18) A felony violation of section 2903.11, 2903.12, or 814  
2903.13 of the Revised Code, if the victim of the offense was a 815  
woman that the offender knew was pregnant at the time of the 816  
violation, with respect to a portion of the sentence imposed 817  
pursuant to division (B) (8) of section 2929.14 of the Revised 818  
Code; 819

(19) (a) Any violent felony offense if the offender is a 820  
violent career criminal and had a firearm on or about the 821  
offender's person or under the offender's control during the 822  
commission of the violent felony offense and displayed or 823  
brandished the firearm, indicated that the offender possessed a 824  
firearm, or used the firearm to facilitate the offense, with 825  
respect to the portion of the sentence imposed under division 826  
(K) of section 2929.14 of the Revised Code. 827

(b) As used in division (F) (19) (a) of this section, 828  
"violent career criminal" and "violent felony offense" have the 829  
same meanings as in section 2923.132 of the Revised Code~~+~~. 830

(20) Any violation of division (A) (1) of section 2903.11 831  
of the Revised Code if the offender used an accelerant in 832  
committing the violation and the serious physical harm to 833  
another or another's unborn caused by the violation resulted in 834  
a permanent, serious disfigurement or permanent, substantial 835  
incapacity or any violation of division (A) (2) of that section 836  
if the offender used an accelerant in committing the violation, 837  
the violation caused physical harm to another or another's 838  
unborn, and the physical harm resulted in a permanent, serious 839  
disfigurement or permanent, substantial incapacity, with respect 840  
to a portion of the sentence imposed pursuant to division (B) (9) 841  
of section 2929.14 of the Revised Code. The provisions of this 842

division and of division (D) (2) of section 2903.11, divisions 843  
(B) (9) and (C) (6) of section 2929.14, and section 2941.1425 of 844  
the Revised Code shall be known as "Judy's Law." 845

(21) Any violation of division (A) of section 2903.11 of 846  
the Revised Code if the victim of the offense suffered permanent 847  
disabling harm as a result of the offense and the victim was 848  
under ten years of age at the time of the offense, with respect 849  
to a portion of the sentence imposed pursuant to division (B) 850  
(10) of section 2929.14 of the Revised Code. 851

(22) A felony violation of section 2925.03, 2925.05, or 852  
2925.11 of the Revised Code, if the drug involved in the 853  
violation is a fentanyl-related compound or a compound, mixture, 854  
preparation, or substance containing a fentanyl-related compound 855  
and the offender is convicted of or pleads guilty to a 856  
specification of the type described in division (B) of section 857  
2941.1410 of the Revised Code that was included in the 858  
indictment, count in the indictment, or information charging the 859  
offense, with respect to the portion of the sentence imposed 860  
under division (B) (11) of section 2929.14 of the Revised Code. 861

(G) Notwithstanding divisions (A) to (E) of this section, 862  
if an offender is being sentenced for a fourth degree felony OVI 863  
offense or for a third degree felony OVI offense, the court 864  
shall impose upon the offender a mandatory term of local 865  
incarceration or a mandatory prison term in accordance with the 866  
following: 867

(1) If the offender is being sentenced for a fourth degree 868  
felony OVI offense and if the offender has not been convicted of 869  
and has not pleaded guilty to a specification of the type 870  
described in section 2941.1413 of the Revised Code, the court 871  
may impose upon the offender a mandatory term of local 872

incarceration of sixty days or one hundred twenty days as 873  
specified in division (G) (1) (d) of section 4511.19 of the 874  
Revised Code. The court shall not reduce the term pursuant to 875  
section 2929.20, 2967.193, or any other provision of the Revised 876  
Code. The court that imposes a mandatory term of local 877  
incarceration under this division shall specify whether the term 878  
is to be served in a jail, a community-based correctional 879  
facility, a halfway house, or an alternative residential 880  
facility, and the offender shall serve the term in the type of 881  
facility specified by the court. A mandatory term of local 882  
incarceration imposed under division (G) (1) of this section is 883  
not subject to any other Revised Code provision that pertains to 884  
a prison term except as provided in division (A) (1) of this 885  
section. 886

(2) If the offender is being sentenced for a third degree 887  
felony OVI offense, or if the offender is being sentenced for a 888  
fourth degree felony OVI offense and the court does not impose a 889  
mandatory term of local incarceration under division (G) (1) of 890  
this section, the court shall impose upon the offender a 891  
mandatory prison term of one, two, three, four, or five years if 892  
the offender also is convicted of or also pleads guilty to a 893  
specification of the type described in section 2941.1413 of the 894  
Revised Code or shall impose upon the offender a mandatory 895  
prison term of sixty days or one hundred twenty days as 896  
specified in division (G) (1) (d) or (e) of section 4511.19 of the 897  
Revised Code if the offender has not been convicted of and has 898  
not pleaded guilty to a specification of that type. Subject to 899  
divisions (C) to (I) of section 2967.19 of the Revised Code, the 900  
court shall not reduce the term pursuant to section 2929.20, 901  
2967.19, 2967.193, or any other provision of the Revised Code. 902  
The offender shall serve the one-, two-, three-, four-, or five- 903

year mandatory prison term consecutively to and prior to the 904  
prison term imposed for the underlying offense and consecutively 905  
to any other mandatory prison term imposed in relation to the 906  
offense. In no case shall an offender who once has been 907  
sentenced to a mandatory term of local incarceration pursuant to 908  
division (G) (1) of this section for a fourth degree felony OVI 909  
offense be sentenced to another mandatory term of local 910  
incarceration under that division for any violation of division 911  
(A) of section 4511.19 of the Revised Code. In addition to the 912  
mandatory prison term described in division (G) (2) of this 913  
section, the court may sentence the offender to a community 914  
control sanction under section 2929.16 or 2929.17 of the Revised 915  
Code, but the offender shall serve the prison term prior to 916  
serving the community control sanction. The department of 917  
rehabilitation and correction may place an offender sentenced to 918  
a mandatory prison term under this division in an intensive 919  
program prison established pursuant to section 5120.033 of the 920  
Revised Code if the department gave the sentencing judge prior 921  
notice of its intent to place the offender in an intensive 922  
program prison established under that section and if the judge 923  
did not notify the department that the judge disapproved the 924  
placement. Upon the establishment of the initial intensive 925  
program prison pursuant to section 5120.033 of the Revised Code 926  
that is privately operated and managed by a contractor pursuant 927  
to a contract entered into under section 9.06 of the Revised 928  
Code, both of the following apply: 929

(a) The department of rehabilitation and correction shall 930  
make a reasonable effort to ensure that a sufficient number of 931  
offenders sentenced to a mandatory prison term under this 932  
division are placed in the privately operated and managed prison 933  
so that the privately operated and managed prison has full 934



occupancy. 935

(b) Unless the privately operated and managed prison has 936  
full occupancy, the department of rehabilitation and correction 937  
shall not place any offender sentenced to a mandatory prison 938  
term under this division in any intensive program prison 939  
established pursuant to section 5120.033 of the Revised Code 940  
other than the privately operated and managed prison. 941

(H) If an offender is being sentenced for a sexually 942  
oriented offense or child-victim oriented offense that is a 943  
felony committed on or after January 1, 1997, the judge shall 944  
require the offender to submit to a DNA specimen collection 945  
procedure pursuant to section 2901.07 of the Revised Code. 946

(I) If an offender is being sentenced for a sexually 947  
oriented offense or a child-victim oriented offense committed on 948  
or after January 1, 1997, the judge shall include in the 949  
sentence a summary of the offender's duties imposed under 950  
sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised 951  
Code and the duration of the duties. The judge shall inform the 952  
offender, at the time of sentencing, of those duties and of 953  
their duration. If required under division (A) (2) of section 954  
2950.03 of the Revised Code, the judge shall perform the duties 955  
specified in that section, or, if required under division (A) (6) 956  
of section 2950.03 of the Revised Code, the judge shall perform 957  
the duties specified in that division. 958

(J) (1) Except as provided in division (J) (2) of this 959  
section, when considering sentencing factors under this section 960  
in relation to an offender who is convicted of or pleads guilty 961  
to an attempt to commit an offense in violation of section 962  
2923.02 of the Revised Code, the sentencing court shall consider 963  
the factors applicable to the felony category of the violation 964

of section 2923.02 of the Revised Code instead of the factors 965  
applicable to the felony category of the offense attempted. 966

(2) When considering sentencing factors under this section 967  
in relation to an offender who is convicted of or pleads guilty 968  
to an attempt to commit a drug abuse offense for which the 969  
penalty is determined by the amount or number of unit doses of 970  
the controlled substance involved in the drug abuse offense, the 971  
sentencing court shall consider the factors applicable to the 972  
felony category that the drug abuse offense attempted would be 973  
if that drug abuse offense had been committed and had involved 974  
an amount or number of unit doses of the controlled substance 975  
that is within the next lower range of controlled substance 976  
amounts than was involved in the attempt. 977

(K) As used in this section: 978

(1) "Community addiction services provider" has the same 979  
meaning as in section 5119.01 of the Revised Code. 980

(2) "Drug abuse offense" has the same meaning as in 981  
section 2925.01 of the Revised Code. 982

(3) "Minor drug possession offense" has the same meaning 983  
as in section 2925.11 of the Revised Code. 984

(4) "Qualifying assault offense" means a violation of 985  
section 2903.13 of the Revised Code for which the penalty 986  
provision in division (C) (8) (b) or (C) (9) (b) of that section 987  
applies. 988

(L) At the time of sentencing an offender for any sexually 989  
oriented offense, if the offender is a tier III sex 990  
offender/child-victim offender relative to that offense and the 991  
offender does not serve a prison term or jail term, the court 992  
may require that the offender be monitored by means of a global 993

positioning device. If the court requires such monitoring, the 994  
cost of monitoring shall be borne by the offender. If the 995  
offender is indigent, the cost of compliance shall be paid by 996  
the crime victims reparations fund. 997

**Sec. 2950.01.** As used in this chapter, unless the context 998  
clearly requires otherwise: 999

(A) "Sexually oriented offense" means any of the following 1000  
violations or offenses committed by a person, regardless of the 1001  
person's age: 1002

(1) A violation of section 2907.02, 2907.03, 2907.05, 1003  
2907.06, 2907.07, 2907.08, 2907.21, 2907.22, 2907.32, 2907.321, 1004  
2907.322, or 2907.323 of the Revised Code; 1005

(2) A violation of section 2907.04 of the Revised Code 1006  
when the offender is less than four years older than the other 1007  
person with whom the offender engaged in sexual conduct, the 1008  
other person did not consent to the sexual conduct, and the 1009  
offender previously has not been convicted of or pleaded guilty 1010  
to a violation of section 2907.02, 2907.03, or 2907.04 of the 1011  
Revised Code or a violation of former section 2907.12 of the 1012  
Revised Code; 1013

(3) A violation of section 2907.04 of the Revised Code 1014  
when the offender is at least four years older than the other 1015  
person with whom the offender engaged in sexual conduct or when 1016  
the offender is less than four years older than the other person 1017  
with whom the offender engaged in sexual conduct and the 1018  
offender previously has been convicted of or pleaded guilty to a 1019  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 1020  
Code or a violation of former section 2907.12 of the Revised 1021  
Code; 1022

(4) A violation of section 2903.01, 2903.02, or 2903.11 of the Revised Code when the violation was committed with a sexual motivation;

(5) A violation of division (A) of section 2903.04 of the Revised Code when the offender committed or attempted to commit the felony that is the basis of the violation with a sexual motivation;

(6) A violation of division (A) (3) of section 2903.211 of the Revised Code;

(7) A violation of division (A) (1), (2), (3), or (5) of section 2905.01 of the Revised Code when the offense is committed with a sexual motivation;

(8) A violation of division (A) (4) of section 2905.01 of the Revised Code;

(9) A violation of division (B) of section 2905.01 of the Revised Code when the victim of the offense is under eighteen years of age and the offender is not a parent of the victim of the offense;

(10) A violation of division (B) of section 2903.03, of division (B) of section 2905.02, of division (B) of section 2905.03, of division (B) of section 2905.05, or of division (B) (5) of section 2919.22 of the Revised Code;

(11) A violation of section 2905.32 of the Revised Code when any of the following applies:

(a) The violation is a violation of division (A) (1) of that section and the offender knowingly recruited, lured, enticed, isolated, harbored, transported, provided, obtained, or maintained, or knowingly attempted to recruit, lure, entice,

isolate, harbor, transport, provide, obtain, or maintain, 1051  
another person knowing that the person would be compelled to 1052  
engage in sexual activity for hire, engage in a performance that 1053  
was obscene, sexually oriented, or nudity oriented, or be a 1054  
model or participant in the production of material that was 1055  
obscene, sexually oriented, or nudity oriented. 1056

(b) The violation is a violation of division (A) (2) of 1057  
that section and the offender knowingly recruited, lured, 1058  
enticed, isolated, harbored, transported, provided, obtained, or 1059  
maintained, or knowingly attempted to recruit, lure, entice, 1060  
isolate, harbor, transport, provide, obtain, or maintain a 1061  
person who is less than sixteen years of age or is a person with 1062  
a developmental disability whom the offender knows or has 1063  
reasonable cause to believe is a person with a developmental 1064  
disability for any purpose listed in divisions (A) (2) (a) to (c) 1065  
of that section. 1066

(c) The violation is a violation of division (A) (3) of 1067  
that section, the offender knowingly recruited, lured, enticed, 1068  
isolated, harbored, transported, provided, obtained, or 1069  
maintained, or knowingly attempted to recruit, lure, entice, 1070  
isolate, harbor, transport, provide, obtain, or maintain a 1071  
person who is sixteen or seventeen years of age for any purpose 1072  
listed in divisions (A) (2) (a) to (c) of that section, and the 1073  
circumstances described in division (A) (5), (6), (7), (8), (9), 1074  
(10), (11), (12), or (13) of section 2907.03 of the Revised Code 1075  
apply with respect to the offender and the other person. 1076

(12) A violation of division (B) (4) of section 2907.09 of 1077  
the Revised Code if the sentencing court classifies the offender 1078  
as a tier I sex offender/child-victim offender relative to that 1079  
offense pursuant to division (D) of that section; 1080

(13) A violation of any former law of this state, any  
existing or former municipal ordinance or law of another state  
or the United States, any existing or former law applicable in a  
military court or in an Indian tribal court, or any existing or  
former law of any nation other than the United States that is or  
was substantially equivalent to any offense listed in division  
(A) (1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or  
(12) of this section;

~~(14) A violation of division (A) (3) of section 2907.24 of  
the Revised Code;~~

~~(15) Any attempt to commit, conspiracy to commit, or  
complicity in committing any offense listed in division (A) (1),  
(2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), or  
(13), ~~or (14)~~ of this section.~~

(B) (1) "Sex offender" means, subject to division (B) (2) of  
this section, a person who is convicted of, pleads guilty to,  
has been convicted of, has pleaded guilty to, is adjudicated a  
delinquent child for committing, or has been adjudicated a  
delinquent child for committing any sexually oriented offense.

(2) "Sex offender" does not include a person who is  
convicted of, pleads guilty to, has been convicted of, has  
pleaded guilty to, is adjudicated a delinquent child for  
committing, or has been adjudicated a delinquent child for  
committing a sexually oriented offense if the offense involves  
consensual sexual conduct or consensual sexual contact and  
either of the following applies:

(a) The victim of the sexually oriented offense was  
eighteen years of age or older and at the time of the sexually  
oriented offense was not under the custodial authority of the

person who is convicted of, pleads guilty to, has been convicted 1110  
of, has pleaded guilty to, is adjudicated a delinquent child for 1111  
committing, or has been adjudicated a delinquent child for 1112  
committing the sexually oriented offense. 1113

(b) The victim of the offense was thirteen years of age or 1114  
older, and the person who is convicted of, pleads guilty to, has 1115  
been convicted of, has pleaded guilty to, is adjudicated a 1116  
delinquent child for committing, or has been adjudicated a 1117  
delinquent child for committing the sexually oriented offense is 1118  
not more than four years older than the victim. 1119

(C) "Child-victim oriented offense" means any of the 1120  
following violations or offenses committed by a person, 1121  
regardless of the person's age, when the victim is under 1122  
eighteen years of age and is not a child of the person who 1123  
commits the violation: 1124

(1) A violation of division (A)(1), (2), (3), or (5) of 1125  
section 2905.01 of the Revised Code when the violation is not 1126  
included in division (A)(7) of this section; 1127

(2) A violation of division (A) of section 2905.02, 1128  
division (A) of section 2905.03, or division (A) of section 1129  
2905.05 of the Revised Code; 1130

(3) A violation of any former law of this state, any 1131  
existing or former municipal ordinance or law of another state 1132  
or the United States, any existing or former law applicable in a 1133  
military court or in an Indian tribal court, or any existing or 1134  
former law of any nation other than the United States that is or 1135  
was substantially equivalent to any offense listed in division 1136  
(C)(1) or (2) of this section; 1137

(4) Any attempt to commit, conspiracy to commit, or 1138

complicity in committing any offense listed in division (C) (1), 1139  
(2), or (3) of this section. 1140

(D) "Child-victim offender" means a person who is 1141  
convicted of, pleads guilty to, has been convicted of, has 1142  
pleaded guilty to, is adjudicated a delinquent child for 1143  
committing, or has been adjudicated a delinquent child for 1144  
committing any child-victim oriented offense. 1145

(E) "Tier I sex offender/child-victim offender" means any 1146  
of the following: 1147

(1) A sex offender who is convicted of, pleads guilty to, 1148  
has been convicted of, or has pleaded guilty to any of the 1149  
following sexually oriented offenses: 1150

(a) A violation of section 2907.06, 2907.07, 2907.08, 1151  
2907.22, or 2907.32 of the Revised Code; 1152

(b) A violation of section 2907.04 of the Revised Code 1153  
when the offender is less than four years older than the other 1154  
person with whom the offender engaged in sexual conduct, the 1155  
other person did not consent to the sexual conduct, and the 1156  
offender previously has not been convicted of or pleaded guilty 1157  
to a violation of section 2907.02, 2907.03, or 2907.04 of the 1158  
Revised Code or a violation of former section 2907.12 of the 1159  
Revised Code; 1160

(c) A violation of division (A) (1), (2), (3), or (5) of 1161  
section 2907.05 of the Revised Code; 1162

(d) A violation of division (A) (3) of section 2907.323 of 1163  
the Revised Code; 1164

(e) A violation of division (A) (3) of section 2903.211, of 1165  
division (B) of section 2905.03, or of division (B) of section 1166



2905.05 of the Revised Code; 1167

(f) A violation of division (B)(4) of section 2907.09 of 1168  
the Revised Code if the sentencing court classifies the offender 1169  
as a tier I sex offender/child-victim offender relative to that 1170  
offense pursuant to division (D) of that section; 1171

(g) A violation of any former law of this state, any 1172  
existing or former municipal ordinance or law of another state 1173  
or the United States, any existing or former law applicable in a 1174  
military court or in an Indian tribal court, or any existing or 1175  
former law of any nation other than the United States, that is 1176  
or was substantially equivalent to any offense listed in 1177  
division (E)(1)(a), (b), (c), (d), (e), or (f) of this section; 1178

(h) Any attempt to commit, conspiracy to commit, or 1179  
complicity in committing any offense listed in division (E)(1) 1180  
(a), (b), (c), (d), (e), (f), or (g) of this section. 1181

(2) A child-victim offender who is convicted of, pleads 1182  
guilty to, has been convicted of, or has pleaded guilty to a 1183  
child-victim oriented offense and who is not within either 1184  
category of child-victim offender described in division (F)(2) 1185  
or (G)(2) of this section. 1186

(3) A sex offender who is adjudicated a delinquent child 1187  
for committing or has been adjudicated a delinquent child for 1188  
committing any sexually oriented offense and who a juvenile 1189  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1190  
of the Revised Code, classifies a tier I sex offender/child- 1191  
victim offender relative to the offense. 1192

(4) A child-victim offender who is adjudicated a 1193  
delinquent child for committing or has been adjudicated a 1194  
delinquent child for committing any child-victim oriented 1195

offense and who a juvenile court, pursuant to section 2152.82, 1196  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1197  
tier I sex offender/child-victim offender relative to the 1198  
offense. 1199

(F) "Tier II sex offender/child-victim offender" means any 1200  
of the following: 1201

(1) A sex offender who is convicted of, pleads guilty to, 1202  
has been convicted of, or has pleaded guilty to any of the 1203  
following sexually oriented offenses: 1204

(a) A violation of section 2907.21, 2907.321, or 2907.322 1205  
of the Revised Code; 1206

(b) A violation of section 2907.04 of the Revised Code 1207  
when the offender is at least four years older than the other 1208  
person with whom the offender engaged in sexual conduct, or when 1209  
the offender is less than four years older than the other person 1210  
with whom the offender engaged in sexual conduct and the 1211  
offender previously has been convicted of or pleaded guilty to a 1212  
violation of section 2907.02, 2907.03, or 2907.04 of the Revised 1213  
Code or former section 2907.12 of the Revised Code; 1214

(c) A violation of division (A) (4) of section 2907.05, ~~of~~ 1215  
~~division (A) (3) of section 2907.24,~~ or of division (A) (1) or (2) 1216  
of section 2907.323 of the Revised Code; 1217

(d) A violation of division (A) (1), (2), (3), or (5) of 1218  
section 2905.01 of the Revised Code when the offense is 1219  
committed with a sexual motivation; 1220

(e) A violation of division (A) (4) of section 2905.01 of 1221  
the Revised Code when the victim of the offense is eighteen 1222  
years of age or older; 1223

(f) A violation of division (B) of section 2905.02 or of 1224  
division (B) (5) of section 2919.22 of the Revised Code; 1225

(g) A violation of section 2905.32 of the Revised Code 1226  
that is described in division (A) (11) (a), (b), or (c) of this 1227  
section; 1228

(h) A violation of any former law of this state, any 1229  
existing or former municipal ordinance or law of another state 1230  
or the United States, any existing or former law applicable in a 1231  
military court or in an Indian tribal court, or any existing or 1232  
former law of any nation other than the United States that is or 1233  
was substantially equivalent to any offense listed in division 1234  
(F) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 1235

(i) Any attempt to commit, conspiracy to commit, or 1236  
complicity in committing any offense listed in division (F) (1) 1237  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1238

(j) Any sexually oriented offense that is committed after 1239  
the sex offender previously has been convicted of, pleaded 1240  
guilty to, or has been adjudicated a delinquent child for 1241  
committing any sexually oriented offense or child-victim 1242  
oriented offense for which the offender was classified a tier I 1243  
sex offender/child-victim offender. 1244

(2) A child-victim offender who is convicted of, pleads 1245  
guilty to, has been convicted of, or has pleaded guilty to any 1246  
child-victim oriented offense when the child-victim oriented 1247  
offense is committed after the child-victim offender previously 1248  
has been convicted of, pleaded guilty to, or been adjudicated a 1249  
delinquent child for committing any sexually oriented offense or 1250  
child-victim oriented offense for which the offender was 1251  
classified a tier I sex offender/child-victim offender. 1252

(3) A sex offender who is adjudicated a delinquent child 1253  
for committing or has been adjudicated a delinquent child for 1254  
committing any sexually oriented offense and who a juvenile 1255  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1256  
of the Revised Code, classifies a tier II sex offender/child- 1257  
victim offender relative to the offense. 1258

(4) A child-victim offender who is adjudicated a 1259  
delinquent child for committing or has been adjudicated a 1260  
delinquent child for committing any child-victim oriented 1261  
offense and whom a juvenile court, pursuant to section 2152.82, 1262  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a 1263  
tier II sex offender/child-victim offender relative to the 1264  
current offense. 1265

(5) A sex offender or child-victim offender who is not in 1266  
any category of tier II sex offender/child-victim offender set 1267  
forth in division (F)(1), (2), (3), or (4) of this section, who 1268  
prior to January 1, 2008, was adjudicated a delinquent child for 1269  
committing a sexually oriented offense or child-victim oriented 1270  
offense, and who prior to that date was determined to be a 1271  
habitual sex offender or determined to be a habitual child- 1272  
victim offender, unless either of the following applies: 1273

(a) The sex offender or child-victim offender is 1274  
reclassified pursuant to section 2950.031 or 2950.032 of the 1275  
Revised Code as a tier I sex offender/child-victim offender or a 1276  
tier III sex offender/child-victim offender relative to the 1277  
offense. 1278

(b) A juvenile court, pursuant to section 2152.82, 1279  
2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the 1280  
child a tier I sex offender/child-victim offender or a tier III 1281  
sex offender/child-victim offender relative to the offense. 1282

|  |      |
|--|------|
| (G) "Tier III sex offender/child-victim offender" means          | 1283 |
| any of the following:  | 1284 |
| (1) A sex offender who is convicted of, pleads guilty to,        | 1285 |
| has been convicted of, or has pleaded guilty to any of the       | 1286 |
| following sexually oriented offenses:                            | 1287 |
| (a) A violation of section 2907.02 or 2907.03 of the             | 1288 |
| Revised Code;  | 1289 |
| (b) A violation of division (B) of section 2907.05 of the        | 1290 |
| Revised Code;  | 1291 |
| (c) A violation of section 2903.01, 2903.02, or 2903.11 of       | 1292 |
| the Revised Code when the violation was committed with a sexual  | 1293 |
| motivation;  | 1294 |
| (d) A violation of division (A) of section 2903.04 of the        | 1295 |
| Revised Code when the offender committed or attempted to commit  | 1296 |
| the felony that is the basis of the violation with a sexual      | 1297 |
| motivation;  | 1298 |
| (e) A violation of division (A)(4) of section 2905.01 of         | 1299 |
| the Revised Code when the victim of the offense is under         | 1300 |
| eighteen years of age;   | 1301 |
| (f) A violation of division (B) of section 2905.01 of the        | 1302 |
| Revised Code when the victim of the offense is under eighteen    | 1303 |
| years of age and the offender is not a parent of the victim of   | 1304 |
| the offense;   | 1305 |
| (g) A violation of division (B) of section 2903.03 of the        | 1306 |
| Revised Code;  | 1307 |
| (h) A violation of any former law of this state, any             | 1308 |
| existing or former municipal ordinance or law of another state   | 1309 |
| or the United States, any existing or former law applicable in a | 1310 |

military court or in an Indian tribal court, or any existing or 1311  
former law of any nation other than the United States that is or 1312  
was substantially equivalent to any offense listed in division 1313  
(G) (1) (a), (b), (c), (d), (e), (f), or (g) of this section; 1314

(i) Any attempt to commit, conspiracy to commit, or 1315  
complicity in committing any offense listed in division (G) (1) 1316  
(a), (b), (c), (d), (e), (f), (g), or (h) of this section; 1317

(j) Any sexually oriented offense that is committed after 1318  
the sex offender previously has been convicted of, pleaded 1319  
guilty to, or been adjudicated a delinquent child for committing 1320  
any sexually oriented offense or child-victim oriented offense 1321  
for which the offender was classified a tier II sex 1322  
offender/child-victim offender or a tier III sex offender/child- 1323  
victim offender. 1324

(2) A child-victim offender who is convicted of, pleads 1325  
guilty to, has been convicted of, or has pleaded guilty to any 1326  
child-victim oriented offense when the child-victim oriented 1327  
offense is committed after the child-victim offender previously 1328  
has been convicted of, pleaded guilty to, or been adjudicated a 1329  
delinquent child for committing any sexually oriented offense or 1330  
child-victim oriented offense for which the offender was 1331  
classified a tier II sex offender/child-victim offender or a 1332  
tier III sex offender/child-victim offender. 1333

(3) A sex offender who is adjudicated a delinquent child 1334  
for committing or has been adjudicated a delinquent child for 1335  
committing any sexually oriented offense and who a juvenile 1336  
court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 1337  
of the Revised Code, classifies a tier III sex offender/child- 1338  
victim offender relative to the offense. 1339

(4) A child-victim offender who is adjudicated a delinquent child for committing or has been adjudicated a delinquent child for committing any child-victim oriented offense and whom a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies a tier III sex offender/child-victim offender relative to the current offense.

(5) A sex offender or child-victim offender who is not in any category of tier III sex offender/child-victim offender set forth in division (G)(1), (2), (3), or (4) of this section, who prior to January 1, 2008, was convicted of or pleaded guilty to a sexually oriented offense or child-victim oriented offense or was adjudicated a delinquent child for committing a sexually oriented offense or child-victim oriented offense and classified a juvenile offender registrant, and who prior to that date was adjudicated a sexual predator or adjudicated a child-victim predator, unless either of the following applies:

(a) The sex offender or child-victim offender is reclassified pursuant to section 2950.031 or 2950.032 of the Revised Code as a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(b) The sex offender or child-victim offender is a delinquent child, and a juvenile court, pursuant to section 2152.82, 2152.83, 2152.84, or 2152.85 of the Revised Code, classifies the child a tier I sex offender/child-victim offender or a tier II sex offender/child-victim offender relative to the offense.

(6) A sex offender who is convicted of, pleads guilty to, was convicted of, or pleaded guilty to a sexually oriented

offense, if the sexually oriented offense and the circumstances 1370  
in which it was committed are such that division (F) of section 1371  
2971.03 of the Revised Code automatically classifies the 1372  
offender as a tier III sex offender/child-victim offender; 1373

(7) A sex offender or child-victim offender who is 1374  
convicted of, pleads guilty to, was convicted of, pleaded guilty 1375  
to, is adjudicated a delinquent child for committing, or was 1376  
adjudicated a delinquent child for committing a sexually 1377  
oriented offense or child-victim offense in another state, in a 1378  
federal court, military court, or Indian tribal court, or in a 1379  
court in any nation other than the United States if both of the 1380  
following apply: 1381

(a) Under the law of the jurisdiction in which the 1382  
offender was convicted or pleaded guilty or the delinquent child 1383  
was adjudicated, the offender or delinquent child is in a 1384  
category substantially equivalent to a category of tier III sex 1385  
offender/child-victim offender described in division (G) (1), 1386  
(2), (3), (4), (5), or (6) of this section. 1387

(b) Subsequent to the conviction, plea of guilty, or 1388  
adjudication in the other jurisdiction, the offender or 1389  
delinquent child resides, has temporary domicile, attends school 1390  
or an institution of higher education, is employed, or intends 1391  
to reside in this state in any manner and for any period of time 1392  
that subjects the offender or delinquent child to a duty to 1393  
register or provide notice of intent to reside under section 1394  
2950.04 or 2950.041 of the Revised Code. 1395

(H) "Confinement" includes, but is not limited to, a 1396  
community residential sanction imposed pursuant to section 1397  
2929.16 or 2929.26 of the Revised Code. 1398



|  |      |
|--|------|
| (I) "Prosecutor" has the same meaning as in section              | 1399 |
| 2935.01 of the Revised Code.                                     | 1400 |
| (J) "Supervised release" means a release of an offender          | 1401 |
| from a prison term, a term of imprisonment, or another type of   | 1402 |
| confinement that satisfies either of the following conditions:   | 1403 |
| (1) The release is on parole, a conditional pardon, under        | 1404 |
| a community control sanction, under transitional control, or     | 1405 |
| under a post-release control sanction, and it requires the       | 1406 |
| person to report to or be supervised by a parole officer,        | 1407 |
| probation officer, field officer, or another type of supervising | 1408 |
| officer.   | 1409 |
| (2) The release is any type of release that is not               | 1410 |
| described in division (J) (1) of this section and that requires  | 1411 |
| the person to report to or be supervised by a probation officer, | 1412 |
| a parole officer, a field officer, or another type of            | 1413 |
| supervising officer.   | 1414 |
| (K) "Sexually violent predator specification," "sexually         | 1415 |
| violent predator," "sexually violent offense," "sexual           | 1416 |
| motivation specification," "designated homicide, assault, or     | 1417 |
| kidnapping offense," and "violent sex offense" have the same     | 1418 |
| meanings as in section 2971.01 of the Revised Code.              | 1419 |
| (L) "Post-release control sanction" and "transitional            | 1420 |
| control" have the same meanings as in section 2967.01 of the     | 1421 |
| Revised Code.  | 1422 |
| (M) "Juvenile offender registrant" means a person who is         | 1423 |
| adjudicated a delinquent child for committing on or after        | 1424 |
| January 1, 2002, a sexually oriented offense or a child-victim   | 1425 |
| oriented offense, who is fourteen years of age or older at the   | 1426 |
| time of committing the offense, and who a juvenile court judge,  | 1427 |

pursuant to an order issued under section 2152.82, 2152.83, 1428  
2152.84, 2152.85, or 2152.86 of the Revised Code, classifies a 1429  
juvenile offender registrant and specifies has a duty to comply 1430  
with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the 1431  
Revised Code. "Juvenile offender registrant" includes a person 1432  
who prior to January 1, 2008, was a "juvenile offender 1433  
registrant" under the definition of the term in existence prior 1434  
to January 1, 2008, and a person who prior to July 31, 2003, was 1435  
a "juvenile sex offender registrant" under the former definition 1436  
of that former term. 1437

(N) "Public registry-qualified juvenile offender 1438  
registrant" means a person who is adjudicated a delinquent child 1439  
and on whom a juvenile court has imposed a serious youthful 1440  
offender dispositional sentence under section 2152.13 of the 1441  
Revised Code before, on, or after January 1, 2008, and to whom 1442  
all of the following apply: 1443

(1) The person is adjudicated a delinquent child for 1444  
committing, attempting to commit, conspiring to commit, or 1445  
complicity in committing one of the following acts: 1446

(a) A violation of section 2907.02 of the Revised Code, 1447  
division (B) of section 2907.05 of the Revised Code, or section 1448  
2907.03 of the Revised Code if the victim of the violation was 1449  
less than twelve years of age; 1450

(b) A violation of section 2903.01, 2903.02, or 2905.01 of 1451  
the Revised Code that was committed with a purpose to gratify 1452  
the sexual needs or desires of the child; 1453

(c) A violation of division (B) of section 2903.03 of the 1454  
Revised Code. 1455

(2) The person was fourteen, fifteen, sixteen, or 1456

seventeen years of age at the time of committing the act. 1457

(3) A juvenile court judge, pursuant to an order issued 1458  
under section 2152.86 of the Revised Code, classifies the person 1459  
a juvenile offender registrant, specifies the person has a duty 1460  
to comply with sections 2950.04, 2950.05, and 2950.06 of the 1461  
Revised Code, and classifies the person a public registry- 1462  
qualified juvenile offender registrant, and the classification 1463  
of the person as a public registry-qualified juvenile offender 1464  
registrant has not been terminated pursuant to division (D) of 1465  
section 2152.86 of the Revised Code. 1466

(O) "Secure facility" means any facility that is designed 1467  
and operated to ensure that all of its entrances and exits are 1468  
locked and under the exclusive control of its staff and to 1469  
ensure that, because of that exclusive control, no person who is 1470  
institutionalized or confined in the facility may leave the 1471  
facility without permission or supervision. 1472

(P) "Out-of-state juvenile offender registrant" means a 1473  
person who is adjudicated a delinquent child in a court in 1474  
another state, in a federal court, military court, or Indian 1475  
tribal court, or in a court in any nation other than the United 1476  
States for committing a sexually oriented offense or a child- 1477  
victim oriented offense, who on or after January 1, 2002, moves 1478  
to and resides in this state or temporarily is domiciled in this 1479  
state for more than five days, and who has a duty under section 1480  
2950.04 or 2950.041 of the Revised Code to register in this 1481  
state and the duty to otherwise comply with that applicable 1482  
section and sections 2950.05 and 2950.06 of the Revised Code. 1483  
"Out-of-state juvenile offender registrant" includes a person 1484  
who prior to January 1, 2008, was an "out-of-state juvenile 1485  
offender registrant" under the definition of the term in 1486

existence prior to January 1, 2008, and a person who prior to 1487  
July 31, 2003, was an "out-of-state juvenile sex offender 1488  
registrant" under the former definition of that former term. 1489

(Q) "Juvenile court judge" includes a magistrate to whom 1490  
the juvenile court judge confers duties pursuant to division (A) 1491  
(15) of section 2151.23 of the Revised Code. 1492

(R) "Adjudicated a delinquent child for committing a 1493  
sexually oriented offense" includes a child who receives a 1494  
serious youthful offender dispositional sentence under section 1495  
2152.13 of the Revised Code for committing a sexually oriented 1496  
offense. 1497

(S) "School" and "school premises" have the same meanings 1498  
as in section 2925.01 of the Revised Code. 1499

(T) "Residential premises" means the building in which a 1500  
residential unit is located and the grounds upon which that 1501  
building stands, extending to the perimeter of the property. 1502  
"Residential premises" includes any type of structure in which a 1503  
residential unit is located, including, but not limited to, 1504  
multi-unit buildings and mobile and manufactured homes. 1505

(U) "Residential unit" means a dwelling unit for 1506  
residential use and occupancy, and includes the structure or 1507  
part of a structure that is used as a home, residence, or 1508  
sleeping place by one person who maintains a household or two or 1509  
more persons who maintain a common household. "Residential unit" 1510  
does not include a halfway house or a community-based 1511  
correctional facility. 1512

(V) "Multi-unit building" means a building in which is 1513  
located more than twelve residential units that have entry doors 1514  
that open directly into the unit from a hallway that is shared 1515

with one or more other units. A residential unit is not 1516  
considered located in a multi-unit building if the unit does not 1517  
have an entry door that opens directly into the unit from a 1518  
hallway that is shared with one or more other units or if the 1519  
unit is in a building that is not a multi-unit building as 1520  
described in this division. 1521

(W) "Community control sanction" has the same meaning as 1522  
in section 2929.01 of the Revised Code. 1523

(X) "Halfway house" and "community-based correctional 1524  
facility" have the same meanings as in section 2929.01 of the 1525  
Revised Code. 1526

**Sec. 4510.07.** The court imposing a sentence upon an 1527  
offender for any violation of a municipal ordinance that is 1528  
substantially equivalent to a violation of section 2903.06 ~~or~~ 1529  
~~2907.24~~ of the Revised Code or for any violation of a municipal 1530  
OVI ordinance also shall impose a suspension of the offender's 1531  
driver's license, commercial driver's license, temporary 1532  
instruction permit, probationary license, or nonresident 1533  
operating privilege from the range specified in division (B) of 1534  
section 4510.02 of the Revised Code that is equivalent in length 1535  
to the suspension required for a violation of section 2903.06 ~~or~~ 1536  
~~2907.24~~ or division (A) or (B) of section 4511.19 of the Revised 1537  
Code under similar circumstances. 1538

**Sec. 4510.13.** (A) (1) Divisions (A) (2) to (9) of this 1539  
section apply to a judge or mayor regarding the suspension of, 1540  
or the grant of limited driving privileges during a suspension 1541  
of, an offender's driver's or commercial driver's license or 1542  
permit or nonresident operating privilege imposed under division 1543  
(G) or (H) of section 4511.19 of the Revised Code, under 1544  
division (B) or (C) of section 4511.191 of the Revised Code, or 1545

under section 4510.07 of the Revised Code for a conviction of a 1546  
violation of a municipal OVI ordinance. 1547

(2) No judge or mayor shall suspend the following portions 1548  
of the suspension of an offender's driver's or commercial 1549  
driver's license or permit or nonresident operating privilege 1550  
imposed under division (G) or (H) of section 4511.19 of the 1551  
Revised Code or under section 4510.07 of the Revised Code for a 1552  
conviction of a violation of a municipal OVI ordinance, provided 1553  
that division (A) (2) of this section does not limit a court or 1554  
mayor in crediting any period of suspension imposed pursuant to 1555  
division (B) or (C) of section 4511.191 of the Revised Code 1556  
against any time of judicial suspension imposed pursuant to 1557  
section 4511.19 or 4510.07 of the Revised Code, as described in 1558  
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 1559  
Code: 1560

(a) The first six months of a suspension imposed under 1561  
division (G) (1) (a) of section 4511.19 of the Revised Code or of 1562  
a comparable length suspension imposed under section 4510.07 of 1563  
the Revised Code; 1564

(b) The first year of a suspension imposed under division 1565  
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 1566  
comparable length suspension imposed under section 4510.07 of 1567  
the Revised Code; 1568

(c) The first three years of a suspension imposed under 1569  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1570  
or of a comparable length suspension imposed under section 1571  
4510.07 of the Revised Code; 1572

(d) The first sixty days of a suspension imposed under 1573  
division (H) of section 4511.19 of the Revised Code or of a 1574

comparable length suspension imposed under section 4510.07 of 1575  
the Revised Code. 1576

(3) No judge or mayor shall grant limited driving 1577  
privileges to an offender whose driver's or commercial driver's 1578  
license or permit or nonresident operating privilege has been 1579  
suspended under division (G) or (H) of section 4511.19 of the 1580  
Revised Code, under division (C) of section 4511.191 of the 1581  
Revised Code, or under section 4510.07 of the Revised Code for a 1582  
municipal OVI conviction if the offender, within the preceding 1583  
ten years, has been convicted of or pleaded guilty to three or 1584  
more violations of one or more of the Revised Code sections, 1585  
municipal ordinances, statutes of the United States or another 1586  
state, or municipal ordinances of a municipal corporation of 1587  
another state that are identified in divisions (G) (2) (b) to (h) 1588  
of section 2919.22 of the Revised Code. 1589

Additionally, no judge or mayor shall grant limited 1590  
driving privileges to an offender whose driver's or commercial 1591  
driver's license or permit or nonresident operating privilege 1592  
has been suspended under division (B) of section 4511.191 of the 1593  
Revised Code if the offender, within the preceding ten years, 1594  
has refused three previous requests to consent to a chemical 1595  
test of the person's whole blood, blood serum or plasma, breath, 1596  
or urine to determine its alcohol content. 1597

(4) No judge or mayor shall grant limited driving 1598  
privileges for employment as a driver of commercial motor 1599  
vehicles to an offender whose driver's or commercial driver's 1600  
license or permit or nonresident operating privilege has been 1601  
suspended under division (G) or (H) of section 4511.19 of the 1602  
Revised Code, under division (B) or (C) of section 4511.191 of 1603  
the Revised Code, or under section 4510.07 of the Revised Code 1604

for a municipal OVI conviction if the offender is disqualified 1605  
from operating a commercial motor vehicle, or whose license or 1606  
permit has been suspended, under section 3123.58 or 4506.16 of 1607  
the Revised Code. 1608

(5) No judge or mayor shall grant limited driving 1609  
privileges to an offender whose driver's or commercial driver's 1610  
license or permit or nonresident operating privilege has been 1611  
suspended under division (G) or (H) of section 4511.19 of the 1612  
Revised Code, under division (C) of section 4511.191 of the 1613  
Revised Code, or under section 4510.07 of the Revised Code for a 1614  
conviction of a violation of a municipal OVI ordinance during 1615  
any of the following periods of time: 1616

(a) The first fifteen days of a suspension imposed under 1617  
division (G) (1) (a) of section 4511.19 of the Revised Code or a 1618  
comparable length suspension imposed under section 4510.07 of 1619  
the Revised Code, or of a suspension imposed under division (C) 1620  
(1) (a) of section 4511.191 of the Revised Code. On or after the 1621  
sixteenth day of the suspension, the court may grant limited 1622  
driving privileges, but the court may require that the offender 1623  
shall not exercise the privileges unless the vehicles the 1624  
offender operates are equipped with immobilizing or disabling 1625  
devices that monitor the offender's alcohol consumption or any 1626  
other type of immobilizing or disabling devices, except as 1627  
provided in division (C) of section 4510.43 of the Revised Code. 1628

(b) The first forty-five days of a suspension imposed 1629  
under division (C) (1) (b) of section 4511.191 of the Revised 1630  
Code. On or after the forty-sixth day of suspension, the court 1631  
may grant limited driving privileges, but the court may require 1632  
that the offender shall not exercise the privileges unless the 1633  
vehicles the offender operates are equipped with immobilizing or 1634



disabling devices that monitor the offender's alcohol 1635  
consumption or any other type of immobilizing or disabling 1636  
devices, except as provided in division (C) of section 4510.43 1637  
of the Revised Code. 1638

(c) The first sixty days of a suspension imposed under 1639  
division (H) of section 4511.19 of the Revised Code or a 1640  
comparable length suspension imposed under section 4510.07 of 1641  
the Revised Code. 1642

(d) The first one hundred eighty days of a suspension 1643  
imposed under division (C)(1)(c) of section 4511.191 of the 1644  
Revised Code. On or after the one hundred eighty-first day of 1645  
suspension, the court may grant limited driving privileges, and 1646  
either of the following applies: 1647

(i) If the underlying arrest is alcohol-related, the court 1648  
shall issue an order that, except as provided in division (C) of 1649  
section 4510.43 of the Revised Code, for the remainder of the 1650  
period of suspension the offender shall not exercise the 1651  
privileges unless the vehicles the offender operates are 1652  
equipped with a certified ignition interlock device. 1653

(ii) If the underlying arrest is drug-related, the court 1654  
in its discretion may issue an order that, except as provided in 1655  
division (C) of section 4510.43 of the Revised Code, for the 1656  
remainder of the period of suspension the offender shall not 1657  
exercise the privileges unless the vehicles the offender 1658  
operates are equipped with a certified ignition interlock 1659  
device. 1660

(e) The first forty-five days of a suspension imposed 1661  
under division (G)(1)(b) of section 4511.19 of the Revised Code 1662  
or a comparable length suspension imposed under section 4510.07 1663

of the Revised Code. On or after the forty-sixth day of the 1664  
suspension, the court may grant limited driving privileges, and 1665  
either of the following applies: 1666

(i) If the underlying conviction is alcohol-related, the 1667  
court shall issue an order that, except as provided in division 1668  
(C) of section 4510.43 of the Revised Code, for the remainder of 1669  
the period of suspension the offender shall not exercise the 1670  
privileges unless the vehicles the offender operates are 1671  
equipped with a certified ignition interlock device. 1672

(ii) If the underlying conviction is drug-related, the 1673  
court in its discretion may issue an order that, except as 1674  
provided in division (C) of section 4510.43 of the Revised Code, 1675  
for the remainder of the period of suspension the offender shall 1676  
not exercise the privileges unless the vehicles the offender 1677  
operates are equipped with a certified ignition interlock 1678  
device. 1679

If a court grants limited driving privileges under 1680  
division (A) (5) (e) of this section, the court may issue an order 1681  
terminating an immobilization order issued pursuant to division 1682  
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 1683  
effect concurrently with the granting of limited driving 1684  
privileges. The court shall send notice of the termination of 1685  
the immobilization order to the registrar of motor vehicles. 1686

Upon receiving information that an offender violated any 1687  
condition imposed by the court at the time an immobilization 1688  
order was terminated under this section, the court may hold a 1689  
hearing and, in its discretion, issue an order reinstating the 1690  
immobilization order for the balance of the immobilization 1691  
period that remained when the court originally ordered the 1692  
termination of the immobilization order. The court may issue the 1693

order only upon a showing of good cause that the offender 1694  
violated any condition imposed by the court. The court shall 1695  
send notice of the reinstatement of the immobilization order to 1696  
the registrar. 1697

(f) The first one hundred eighty days of a suspension 1698  
imposed under division (G) (1) (c) of section 4511.19 of the 1699  
Revised Code or a comparable length suspension imposed under 1700  
section 4510.07 of the Revised Code. On or after the one hundred 1701  
eighty-first day of the suspension, the court may grant limited 1702  
driving privileges, and either of the following applies: 1703

(i) If the underlying conviction is alcohol-related, the 1704  
court shall issue an order that, except as provided in division 1705  
(C) of section 4510.43 of the Revised Code, for the remainder of 1706  
the period of suspension the offender shall not exercise the 1707  
privileges unless the vehicles the offender operates are 1708  
equipped with a certified ignition interlock device. 1709

(ii) If the underlying conviction is drug-related, the 1710  
court in its discretion may issue an order that, except as 1711  
provided in division (C) of section 4510.43 of the Revised Code, 1712  
for the remainder of the period of suspension the offender shall 1713  
not exercise the privileges unless the vehicles the offender 1714  
operates are equipped with a certified ignition interlock 1715  
device. 1716

(g) The first three years of a suspension imposed under 1717  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1718  
or a comparable length suspension imposed under section 4510.07 1719  
of the Revised Code, or of a suspension imposed under division 1720  
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 1721  
the first three years of suspension, the court may grant limited 1722  
driving privileges, and either of the following applies: 1723

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

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

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

(a) The first thirty days of suspension imposed under division (B) (1) (a) of section 4511.191 of the Revised Code;

(b) The first ninety days of suspension imposed under division (B) (1) (b) of section 4511.191 of the Revised Code;

(c) The first year of suspension imposed under division (B) (1) (c) of section 4511.191 of the Revised Code;

(d) The first three years of suspension imposed under division (B) (1) (d) of section 4511.191 of the Revised Code.

(7) In any case in which a judge or mayor grants limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege

has been suspended under division (G) (1) (c), (d), or (e) of 1753  
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1754  
(b) of section 4511.19 of the Revised Code for a violation of 1755  
division (A) (1) (f), (g), (h), or (i) of that section, or under 1756  
section 4510.07 of the Revised Code for a municipal OVI 1757  
conviction for which sentence would have been imposed under 1758  
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or 1759  
(e) of section 4511.19 of the Revised Code had the offender been 1760  
charged with and convicted of a violation of section 4511.19 of 1761  
the Revised Code instead of a violation of the municipal OVI 1762  
ordinance, the judge or mayor shall impose as a condition of the 1763  
privileges that the offender must display on the vehicle that is 1764  
driven subject to the privileges restricted license plates that 1765  
are issued under section 4503.231 of the Revised Code, except as 1766  
provided in division (B) of that section. 1767

(8) In any case in which an offender is required by a 1768  
court under this section to operate a motor vehicle that is 1769  
equipped with a certified ignition interlock device and either 1770  
the offender commits an ignition interlock device violation as 1771  
defined under section 4510.46 of the Revised Code or the 1772  
offender operates a motor vehicle that is not equipped with a 1773  
certified ignition interlock device, the following applies: 1774

(a) If the offender was sentenced under division (G) (1) (a) 1775  
or (b) or division (H) of section 4511.19 of the Revised Code, 1776  
on a first instance the court may require the offender to wear a 1777  
monitor that provides continuous alcohol monitoring that is 1778  
remote. On a second instance, the court shall require the 1779  
offender to wear a monitor that provides continuous alcohol 1780  
monitoring that is remote for a minimum of forty days. On a 1781  
third instance or more, the court shall require the offender to 1782  
wear a monitor that provides continuous alcohol monitoring that 1783

is remote for a minimum of sixty days. 1784

(b) If the offender was sentenced under division (G) (1) 1785  
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1786  
first instance the court shall require the offender to wear a 1787  
monitor that provides continuous alcohol monitoring that is 1788  
remote for a minimum of forty days. On a second instance or 1789  
more, the court shall require the offender to wear a monitor 1790  
that provides continuous alcohol monitoring that is remote for a 1791  
minimum of sixty days. 1792

(c) The court may increase the period of suspension of the 1793  
offender's driver's or commercial driver's license or permit or 1794  
nonresident operating privilege from that originally imposed by 1795  
the court by a factor of two and may increase the period of time 1796  
during which the offender will be prohibited from exercising any 1797  
limited driving privileges granted to the offender unless the 1798  
vehicles the offender operates are equipped with a certified 1799  
ignition interlock device by a factor of two. The limitation 1800  
under division (E) of section 4510.46 of the Revised Code 1801  
applies to an increase under division (A) (8) (c) of this section. 1802

(d) If the violation occurred within sixty days of the end 1803  
of the suspension of the offender's driver's or commercial 1804  
driver's license or permit or nonresident operating privilege 1805  
and the court does not impose an increase in the period of the 1806  
suspension under division (A) (8) (c) of this section, the court 1807  
shall proceed as follows: 1808

(i) Issue an order extending the period of suspension and 1809  
the grant of limited driving privileges with a required 1810  
certified ignition interlock device so that the suspension 1811  
terminates sixty days from the date the offender committed that 1812  
violation. 1813

(ii) For each violation subsequent to a violation for 1814  
which an extension was ordered under division (A) (8) (d) (i) of 1815  
this section, issue an order extending the period of suspension 1816  
and the grant of limited driving privileges with a required 1817  
certified ignition interlock device so that the suspension 1818  
terminates sixty days from the date the offender committed that 1819  
violation. 1820

The registrar of motor vehicles is prohibited from 1821  
reinstating an offender's license unless the applicable period 1822  
of suspension has been served and no ignition interlock device 1823  
violations have been committed within the sixty days prior to 1824  
the application for reinstatement. 1825

(9) At the time the court issues an order under this 1826  
section requiring an offender to use an ignition interlock 1827  
device, the court shall provide notice to the offender of each 1828  
action the court is authorized or required to take under 1829  
division (A) (8) of this section if the offender circumvents or 1830  
tamper with the device or in any case in which the court 1831  
receives notice pursuant to section 4510.46 of the Revised Code 1832  
that a device prevented an offender from starting a motor 1833  
vehicle. 1834

(10) In any case in which the court issues an order under 1835  
this section prohibiting an offender from exercising limited 1836  
driving privileges unless the vehicles the offender operates are 1837  
equipped with an immobilizing or disabling device, including a 1838  
certified ignition interlock device, or requires an offender to 1839  
wear a monitor that provides continuous alcohol monitoring that 1840  
is remote, the court shall impose an additional court cost of 1841  
two dollars and fifty cents upon the offender. The court shall 1842  
not waive the payment of the two dollars and fifty cents unless 1843

the court determines that the offender is indigent and waives 1844  
the payment of all court costs imposed upon the indigent 1845  
offender. The clerk of court shall transmit one hundred per cent 1846  
of this mandatory court cost collected during a month on or 1847  
before the twenty-third day of the following month to the state 1848  
treasury to be credited to the public safety - highway purposes 1849  
fund created under section 4501.06 of the Revised Code, to be 1850  
used by the department of public safety to cover costs 1851  
associated with maintaining the habitual OVI/OMWI offender 1852  
registry created under section 5502.10 of the Revised Code. In 1853  
its discretion the court may impose an additional court cost of 1854  
two dollars and fifty cents upon the offender. The clerk of 1855  
court shall retain this discretionary two dollar and fifty cent 1856  
court cost, if imposed, and shall deposit it in the court's 1857  
special projects fund that is established under division (E) (1) 1858  
of section 2303.201, division (B) (1) of section 1901.26, or 1859  
division (B) (1) of section 1907.24 of the Revised Code. 1860

(B) Any person whose driver's or commercial driver's 1861  
license or permit or nonresident operating privilege has been 1862  
suspended pursuant to section 4511.19 or 4511.191 of the Revised 1863  
Code or under section 4510.07 of the Revised Code for a 1864  
violation of a municipal OVI ordinance may file a petition for 1865  
limited driving privileges during the suspension. The person 1866  
shall file the petition in the court that has jurisdiction over 1867  
the place of arrest. Subject to division (A) of this section, 1868  
the court may grant the person limited driving privileges during 1869  
the period during which the suspension otherwise would be 1870  
imposed. However, the court shall not grant the privileges for 1871  
employment as a driver of a commercial motor vehicle to any 1872  
person who is disqualified from operating a commercial motor 1873  
vehicle under section 4506.16 of the Revised Code or during any 1874



of the periods prescribed by division (A) of this section. 1875

(C) (1) After a driver's or commercial driver's license or 1876  
permit or nonresident operating privilege has been suspended 1877  
pursuant to section 2903.06, 2903.08, 2903.11, ~~2907.24,~~ 1878  
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 1879  
4549.021, or 5743.99 of the Revised Code, any provision of 1880  
Chapter 2925. of the Revised Code, or section 4510.07 of the 1881  
Revised Code for a violation of a municipal OVI ordinance, the 1882  
judge of the court or mayor of the mayor's court that suspended 1883  
the license, permit, or privilege shall cause the offender to 1884  
deliver to the court the license or permit. The judge, mayor, or 1885  
clerk of the court or mayor's court shall forward to the 1886  
registrar the license or permit together with notice of the 1887  
action of the court. 1888

(2) A suspension of a commercial driver's license under 1889  
any section or chapter identified in division (C) (1) of this 1890  
section shall be concurrent with any period of suspension or 1891  
disqualification under section 3123.58 or 4506.16 of the Revised 1892  
Code. No person who is disqualified for life from holding a 1893  
commercial driver's license under section 4506.16 of the Revised 1894  
Code shall be issued a driver's license under this chapter 1895  
during the period for which the commercial driver's license was 1896  
suspended under this section, and no person whose commercial 1897  
driver's license is suspended under any section or chapter 1898  
identified in division (C) (1) of this section shall be issued a 1899  
driver's license under Chapter 4507. of the Revised Code during 1900  
the period of the suspension. 1901

(3) No judge or mayor shall suspend any class one 1902  
suspension, or any portion of any class one suspension, imposed 1903  
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 1904

Revised Code. No judge or mayor shall suspend the first thirty 1905  
days of any class two, class three, class four, class five, or 1906  
class six suspension imposed under section 2903.06, 2903.08, 1907  
2903.11, 2923.02, or 2929.02 of the Revised Code. 1908

(D) The judge of the court or mayor of the mayor's court 1909  
shall credit any time during which an offender was subject to an 1910  
administrative suspension of the offender's driver's or 1911  
commercial driver's license or permit or nonresident operating 1912  
privilege imposed pursuant to section 4511.191 or 4511.192 of 1913  
the Revised Code or a suspension imposed by a judge, referee, or 1914  
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 1915  
the Revised Code against the time to be served under a related 1916  
suspension imposed pursuant to any section or chapter identified 1917  
in division (C) (1) of this section. 1918

(E) The judge or mayor shall notify the bureau of motor 1919  
vehicles of any determinations made pursuant to this section and 1920  
of any suspension imposed pursuant to any section or chapter 1921  
identified in division (C) (1) of this section. 1922

(F) (1) If a court issues an order under this section 1923  
granting limited driving privileges and requiring an offender to 1924  
use an immobilizing or disabling device, the order shall 1925  
authorize the offender during the specified period to operate a 1926  
motor vehicle only if it is equipped with such a device, except 1927  
as provided in division (C) of section 4510.43 of the Revised 1928  
Code. The court shall provide the offender with a copy of the 1929  
order for purposes of obtaining a restricted license and shall 1930  
submit a copy of the order to the registrar of motor vehicles. 1931

(2) An offender shall present to the registrar or to a 1932  
deputy registrar the copy of an immobilizing or disabling device 1933  
order issued under this section and a certificate affirming the 1934

installation of an immobilizing or disabling device that is in a 1935  
form established by the director of public safety and that is 1936  
signed by the person who installed the device. Upon presentation 1937  
of the order and certificate to the registrar or a deputy 1938  
registrar, the registrar or deputy registrar shall issue the 1939  
offender a restricted license, unless the offender's driver's or 1940  
commercial driver's license or permit is suspended under any 1941  
other provision of law and limited driving privileges have not 1942  
been granted with regard to that suspension. A restricted 1943  
license issued under this division shall be identical to an Ohio 1944  
driver's license, except that it shall have printed on its face 1945  
a statement that the offender is prohibited from operating any 1946  
motor vehicle that is not equipped with an immobilizing or 1947  
disabling device in violation of the order. 1948

(3) (a) No person who has been granted limited driving 1949  
privileges subject to an immobilizing or disabling device order 1950  
under this section shall operate a motor vehicle prior to 1951  
obtaining a restricted license. Any person who violates this 1952  
prohibition is subject to the penalties prescribed in section 1953  
4510.14 of the Revised Code. 1954

(b) The offense established under division (F) (3) (a) of 1955  
this section is a strict liability offense and section 2901.20 1956  
of the Revised Code does not apply. 1957

**Section 2.** That existing sections 119.062, 2907.24, 1958  
2923.31, 2929.13, 2950.01, 4510.07, and 4510.13 of the Revised 1959  
Code are hereby repealed. 1960

**Section 3.** All items in this section are hereby 1961  
appropriated as designated out of any moneys in the state 1962  
treasury to the credit of the designated fund. For all 1963  
appropriations made in this act, those in the first column are 1964

for fiscal year 2020 and those in the second column are for 1965  
 fiscal year 2021. The appropriations made in this act are in 1966  
 addition to any other appropriations made for the FY 2020-FY 1967  
 2021 biennium. 1968

1969

|   | 1                              | 2      | 3            | 4          | 5         |
|---|--------------------------------|--------|--------------|------------|-----------|
| A | AGO ATTORNEY GENERAL           |        |              |            |           |
| B | General Revenue Fund           |        |              |            |           |
| C | GRF                            | 055436 | Sexual       | \$ 170,000 | \$ 20,000 |
|   |                                |        | Exploitation |            |           |
|   |                                |        | Public       |            |           |
|   |                                |        | Database     |            |           |
| D | Total GRF General Revenue Fund |        |              | \$ 170,000 | \$ 20,000 |
| E | TOTAL ALL BUDGET FUND GROUPS   |        |              | \$ 170,000 | \$ 20,000 |

SEXUAL EXPLOITATION PUBLIC DATABASE 1970

The foregoing appropriation item 055436, Sexual 1971  
 Exploitation Public Database, shall be used to establish and 1972  
 maintain the database described in section 109.96 of the Revised 1973  
 Code. 1974

**Section 4.** Within the limits set forth in this act, the 1975  
 Director of Budget and Management shall establish accounts 1976  
 indicating the source and amount of funds for each appropriation 1977  
 made in this act, and shall determine the form and manner in 1978  
 which appropriation accounts shall be maintained. Expenditures 1979

from appropriations contained in this act shall be accounted for 1980  
as though made in the main operating appropriations act of the 1981  
133rd General Assembly. 1982

The appropriations made in this act are subject to all 1983  
provisions of the main operating appropriations act of the 133rd 1984  
General Assembly that are generally applicable to such 1985  
appropriations. 1986

**Section 5.** Section 2923.31 of the Revised Code is 1987  
presented in this act as a composite of the section as amended 1988  
by both H.B. 199 and H.B. 405 of the 132nd General Assembly. The 1989  
General Assembly, applying the principle stated in division (B) 1990  
of section 1.52 of the Revised Code that amendments are to be 1991  
harmonized if reasonably capable of simultaneous operation, 1992  
finds that the composite is the resulting version of the section 1993  
in effect prior to the effective date of the section as 1994  
presented in this act. 1995