

As Introduced

134th General Assembly

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H. B. No. 315

Representatives Leland, Hillyer

Cosponsors: Representatives Robinson, Smith, K., Boyd, Upchurch, Howse, Brent, Skindell, Sweeney, Crossman, Smith, M., Miller, A., Boggs, Lightbody, Brown, Liston, Russo, Jarrells, Crawley, Miranda, Kelly, Ingram, Denson, Sykes, Galonski, Weinstein, Blackshear, Hicks-Hudson, Sobbecki, Sheehy, West, Lepore-Hagan, Troy, O'Brien, Lanese, Young, B., Stoltzfus, Cutrona, Callender, Stewart, Koehler, Riedel, Cross, Ferguson



A BILL

To amend sections 120.08, 122.014, 307.51, 307.511, 1
307.515, 1901.026, 1901.28, 1901.31, 1907.20, 2
1907.32, 2329.54, 2713.05, 2713.09, 2713.10, 3
2713.11, 2713.13, 2713.14, 2713.15, 2713.16, 4
2713.17, 2713.18, 2713.19, 2713.20, 2713.21, 5
2713.22, 2713.23, 2713.24, 2713.25, 2713.26, 6
2715.25, 2725.18, 2743.70, 2746.02, 2907.41, 7
2919.251, 2925.01, 2925.02, 2925.03, 2925.04, 8
2925.041, 2925.05, 2925.11, 2935.10, 2935.13, 9
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2937.23, 2937.24, 2937.25, 2937.26, 2937.27, 12
2937.28, 2937.281, 2937.29, 2937.30, 2937.33, 13
2937.34, 2937.35, 2937.36, 2937.37, 2937.39, 14
2937.40, 2937.41, 2937.45, 2937.46, 2941.58, 15
2949.091, 2949.093, 2949.094, 2949.111, 2953.31, 16
2963.13, 3319.292, 3719.21, 3772.01, 3772.36, 17
4501.11, 4506.01, 4506.16, 4509.01, 4509.35, 18
4510.01, 4510.03, 4511.01, 4513.37, 4729.65, and 19
5503.04; to enact sections 2937.011, 2937.012, 20

2937.013, 2937.014, and 2937.015; and to repeal 21
sections 2937.22, 2937.31, 2937.32, and 2937.38 22
of the Revised Code to make changes regarding 23
bail. 24

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

Section 1. That sections 120.08, 122.014, 307.51, 307.511, 25
307.515, 1901.026, 1901.28, 1901.31, 1907.20, 1907.32, 2329.54, 26
2713.05, 2713.09, 2713.10, 2713.11, 2713.13, 2713.14, 2713.15, 27
2713.16, 2713.17, 2713.18, 2713.19, 2713.20, 2713.21, 2713.22, 28
2713.23, 2713.24, 2713.25, 2713.26, 2715.25, 2725.18, 2743.70, 29
2746.02, 2907.41, 2919.251, 2925.01, 2925.02, 2925.03, 2925.04, 30
2925.041, 2925.05, 2925.11, 2935.10, 2935.13, 2935.14, 2935.27, 31
2937.01, 2937.03, 2937.08, 2937.09, 2937.15, 2937.16, 2937.17, 32
2937.222, 2937.23, 2937.24, 2937.25, 2937.26, 2937.27, 2937.28, 33
2937.281, 2937.29, 2937.30, 2937.33, 2937.34, 2937.35, 2937.36, 34
2937.37, 2937.39, 2937.40, 2937.41, 2937.45, 2937.46, 2941.58, 35
2949.091, 2949.093, 2949.094, 2949.111, 2953.31, 2963.13, 36
3319.292, 3719.21, 3772.01, 3772.36, 4501.11, 4506.01, 4506.16, 37
4509.01, 4509.35, 4510.01, 4510.03, 4511.01, 4513.37, 4729.65, 38
and 5503.04 be amended and sections 2937.011, 2937.012, 39
2937.013, 2937.014, and 2937.015 of the Revised Code be enacted 40
to read as follows: 41

Sec. 120.08. There is hereby created in the state treasury 42
the indigent defense support fund, consisting of money paid into 43
the fund pursuant to sections 4507.45, 4509.101, 4510.22, and 44
4511.19 of the Revised Code and pursuant to sections 45
~~2937.222~~2937.014, 2949.091, and 2949.094 of the Revised Code out 46
of the additional court costs imposed under those sections. The 47

state public defender shall use at least eighty-three per cent 48
of the money in the fund for the purposes of reimbursing county 49
governments for expenses incurred pursuant to sections 120.18, 50
120.28, and 120.33 of the Revised Code and operating its system 51
pursuant to division (C) (7) of section 120.04 of the Revised 52
Code and division (B) of section 120.33 of the Revised Code. 53
Disbursements from the fund to county governments shall be made 54
at least once per year and shall be allocated proportionately so 55
that each county receives an equal percentage of its cost for 56
operating its county public defender system, its joint county 57
public defender system, its county appointed counsel system, or 58
its system operated under division (C) (7) of section 120.04 of 59
the Revised Code and division (B) of section 120.33 of the 60
Revised Code. The state public defender may use not more than 61
seventeen per cent of the money in the fund for the purposes of 62
appointing assistant state public defenders, providing other 63
personnel, equipment, and facilities necessary for the operation 64
of the state public defender office, and providing training, 65
developing and implementing electronic forms, or establishing 66
and maintaining an information technology system used for the 67
uniform operation of this chapter. 68

Sec. 122.014. (A) As used in this section, "gaming 69
activities" means activities conducted in connection with or 70
that include any of the following: 71

(1) Casino gaming, as authorized and defined in Section 72
6(C) of Article XV, Ohio Constitution; 73

(2) Casino gaming, as defined in ~~division (E) of section~~ 74
3772.01 of the Revised Code; or 75

(3) The pari-mutuel system of wagering as authorized and 76
described in Chapter 3769. of the Revised Code. 77

(B) The department of development or any other entity that administers any program or development project established under Chapter 122., 166., or 184. of the Revised Code or ~~in sections~~ section 149.311, 5709.87, or 5709.88 of the Revised Code shall not provide any financial assistance, including loans, tax credits, and grants, staffing assistance, technical support, or other assistance to businesses conducting gaming activities or for project sites on which gaming activities are or will be conducted.

Sec. 307.51. (A) As used in this section, ~~"county office":~~

(1) "County office" means any officer, department, board, commission, or agency of a county.

(2) "Monetary bond" has the same meaning as in section 2937.01 of the Revised Code.

(B) There is hereby created in each county a county law library resources board. The board shall consist of five members who shall be appointed and hold office as provided in section 307.511 of the Revised Code. Beginning on January 1, 2010, subject to appropriation pursuant to section 307.513 of the Revised Code, the board shall provide legal research, reference, and library services to the county and to the municipal corporations, townships, and courts within the county and shall manage the coordination, acquisition, and utilization of legal resources.

(C) The board shall employ a county law librarian who shall be the chief administrator of the county law library resources board and may employ additional staff to perform any functions as determined by the board. The board shall fix the compensation of the county law librarian and any additional

employees. All employees of the county law library resources	107
board shall be in the unclassified civil service of the county.	108
(D) (1) The board may adopt any rules it considers	109
necessary for its operation and shall adopt rules for the	110
following:	111
(a) The expenditure of funds that are appropriated for its	112
use pursuant to division (B) of section 307.513 of the Revised	113
Code;	114
(b) Public access and hours of operation of the law	115
library;	116
(c) Fees for services;	117
(d) The receipt of gifts to the county law library	118
resources fund.	119
(2) The board shall not charge any fee for any service	120
provided to any member of the general assembly or to any officer	121
or employee of a county, municipal, or township government or	122
court located within that county when the officer or employee is	123
acting within the scope of the officer's or employee's	124
employment.	125
(3) Fees for services do not include fees for access to	126
the law library. The board shall not charge a fee for access to	127
the law library.	128
(4) The county law librarian or the librarian's designee	129
shall deposit all fees collected pursuant to this section by any	130
employee of the county law library resources board into the	131
county law library resources fund established pursuant to	132
section 307.514 of the Revised Code.	133
(E) There is hereby established a transition advisory	134

council that shall consist of those individuals serving as 135
members of the board of trustees of the law library association 136
of the county that, as of ~~the effective date of this section~~ 137
December 30, 2008, received fines, penalties, and moneys arising 138
from forfeited ~~bail~~ monetary bonds under sections 3375.50 to 139
3375.53 of the Revised Code, as amended and repealed by this 140
act. The transition advisory council shall exist from July 1, 141
2009, to December 31, 2010. After December 31, 2010, the board 142
may create an advisory council that is comprised of persons 143
engaged in the private practice of law and with expertise in the 144
operation and funding of law libraries. 145

(F) Subject to the approval of the board of county 146
commissioners of the county, the county law library resources 147
board may contract with other county law library resources 148
boards, the statewide consortium of law library resources 149
boards, private entities, or public agencies for the provision 150
of any services that the county law library resources board 151
considers necessary. 152

(G) After January 1, 2010, no county office shall 153
purchase, lease, rent, operate, or contract for the use of any 154
legal research or reference materials available in print, audio, 155
visual, or other medium or, notwithstanding section 307.842 of 156
the Revised Code, any equipment necessary to support the 157
utilization of that medium without prior approval of the board. 158
If such approval is denied, the county office, notwithstanding 159
section 307.842 of the Revised Code, may purchase, lease, rent, 160
operate, or contract for the use of any legal research or 161
reference materials available in print, audio, visual, or other 162
medium at its own expense. 163

Sec. 307.511. (A) The five members of the county law 164

library resources board shall be residents of the county and 165
shall be appointed as follows: 166

(1) The prosecuting attorney of the county shall appoint 167
one member whose initial term shall expire on December 31, 2010. 168

(2) The administrative judges or presiding judges of all 169
municipal courts and county courts within the county shall meet 170
to appoint one member who is an attorney licensed to practice 171
law in the state and in good standing before the supreme court 172
of Ohio and whose initial term shall expire on December 31, 173
2011. 174

(3) The administrative judge or presiding judge of the 175
court of common pleas of the county shall appoint one member who 176
is an attorney licensed to practice law in the state and in good 177
standing before the supreme court of Ohio and whose initial term 178
shall expire on December 31, 2012. 179

(4) The board of county commissioners shall appoint one 180
member whose initial term shall expire on December 31, 2013. 181

(5) The board of county commissioners shall appoint one 182
member whose initial term shall expire on December 31, 2014. 183

(B) The member appointed pursuant to division (A) (5) of 184
this section shall serve as the chairperson of the county law 185
library resources board until December 31, 2010. After that 186
date, the board shall select a chairperson from among the 187
members of the board. 188

(C) During the period of July 1, 2009, through December 189
31, 2010, the county law library resources board shall consist 190
of seven members and shall include members appointed pursuant to 191
division (A) of this section and two members who are residents 192
of the county appointed for this period by the board of trustees 193

of the law library association within the county that, prior to 194
~~the effective date of this section December 30, 2008,~~ receives 195
fines, penalties, and moneys arising from forfeited ~~bail~~ 196
monetary bonds pursuant to sections 3375.50 to 3375.53 of the 197
Revised Code, as amended and repealed by this act. 198

(D) The initial appointments to the county law library 199
resources board as provided in divisions (A) and (B) of this 200
section shall be made on or before July 1, 2009, and for the 201
term specified. Thereafter, terms for all members appointed 202
pursuant to division (A) of this section shall be for five 203
years, with each term ending on the same day of the same month 204
as did the term that it succeeds. 205

(E) Each member of the board shall hold office from the 206
date of the member's appointment until the end of the term for 207
which the member was appointed. Vacancies shall be filled within 208
sixty days after the vacancy occurs and shall be filled in the 209
manner provided for original appointments. Any member appointed 210
to fill a vacancy occurring prior to the expiration date of the 211
term for which the member's predecessor was appointed shall hold 212
office as a member for the remainder of that term. A member 213
shall continue in office subsequent to the expiration date of 214
the member's term until the member's successor takes office or 215
until a period of sixty days has elapsed, whichever occurs 216
first. 217

(F) A member of the board of trustees of a law library 218
association may serve as a member of a county law library 219
resources board if the member discloses each membership to the 220
board of trustees of the law library association and the county 221
law library resources board. 222

(G) As used in this section, "monetary bond" has the same 223

meaning as in section 2937.01 of the Revised Code. 224

Sec. 307.515. (A) All fines and penalties collected by, 225
and moneys arising from forfeited ~~bail~~monetary bonds in, a 226
municipal court for offenses and misdemeanors brought for 227
prosecution in the name of a municipal corporation under one of 228
its penal ordinances, where there is in force a state statute 229
under which the offense might be prosecuted, or brought for 230
prosecution in the name of the state, except a portion of those 231
fines, penalties, and moneys that, plus all costs collected 232
monthly in those state cases, equal the compensation allowed by 233
the board of county commissioners to the judges of the municipal 234
court, its clerk, and the prosecuting attorney of that court in 235
state cases, shall be retained by the clerk of that municipal 236
court and shall be deposited by the clerk each month in the 237
county law library resources fund that is created under section 238
307.514 of the Revised Code in the county in which that 239
municipal corporation is located. The sum that the clerk of the 240
municipal court deposits in the county law library resources 241
fund shall in no month be less than twenty-five per cent of the 242
amount of such fines, penalties, and moneys received in that 243
month, without deducting the amount of the allowance of the 244
board of county commissioners to the judges, clerk, and 245
prosecuting attorney. 246

The total amount paid under this section in any one 247
calendar year by the clerks of all municipal courts in any one 248
county to the county law library resources fund shall in no 249
event exceed the following amounts: 250

(1) In counties having a population of fifty thousand or 251
less, seventy-five hundred dollars and the maximum amount paid 252
by any of such courts shall not exceed four thousand dollars in 253

any calendar year.	254
(2) In counties having a population in excess of fifty thousand but not in excess of one hundred thousand, eight thousand dollars and the maximum amount paid by any of such courts shall not exceed five thousand five hundred dollars in any calendar year.	255 256 257 258 259
(3) In counties having a population in excess of one hundred thousand but not in excess of one hundred fifty thousand, ten thousand dollars and the maximum amount paid by any of such courts shall not exceed seven thousand dollars in any calendar year.	260 261 262 263 264
(4) In counties having a population of in excess of one hundred fifty thousand, fifteen thousand dollars in any calendar year. The maximum amount to be paid by each clerk shall be determined by the county auditor in December of each year for the next succeeding calendar year and shall bear the same ratio to the total amount payable under this section from the clerks of all municipal courts in such county as the total fines, costs, and forfeitures received by the corresponding municipal court, bear to the total fines, costs, and forfeitures received by all the municipal courts in the county, as shown for the last complete year of actual receipts, on the latest available budgets of such municipal courts. Payments in the full amounts provided in this section shall be made monthly by each clerk in each calendar year until the maximum amount for such year has been paid. When that amount, so determined by the auditor, has been paid to the county law library resources fund, then no further payments shall be required in that calendar year from the clerk of that court.	265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282
(5) This section does not apply to fines collected by a	283

municipal court for violations of division (B) of section 284
4513.263 of the Revised Code, or for violations of any municipal 285
ordinance that is substantively comparable to that division, all 286
of which shall be forwarded to the treasurer of state as 287
provided in division (E) of section 4513.263 of the Revised 288
Code. 289

(B) The county treasurer, upon the voucher of the county 290
auditor, shall deposit fifty per cent of all moneys collected by 291
a county court accruing from fines, penalties, and forfeited 292
~~bail-monetary bonds~~, unless otherwise distributed by law, in the 293
county law library resources fund in that county that is created 294
under section 307.514 of the Revised Code. The county treasurer 295
shall deposit those moneys into that fund within thirty days 296
after those moneys have been paid into the county treasury by 297
the clerk of the county court. 298

This section does not apply to fines collected by a county 299
court for violations of division (B) of section 4513.263 of the 300
Revised Code, or for violations of any municipal ordinance that 301
is substantively comparable to that division, all of which shall 302
be forwarded to the treasurer of state as provided in division 303
(E) of section 4513.263 of the Revised Code. 304

(C) In each county of the state, the clerk of the court of 305
common pleas and the clerk of the probate court shall retain all 306
fines and penalties collected by, and moneys arising from 307
forfeited ~~bail-monetary bonds~~ in, the court of common pleas and 308
the probate court of that county for offenses and misdemeanors 309
brought for prosecution in those courts in the name of the state 310
and monthly shall deposit those moneys in the county law library 311
resources fund in that county that is created under section 312
307.514 of the Revised Code. The total sums so deposited shall 313

not exceed twelve hundred fifty dollars per annum, and when that 314
amount has been deposited in the fund in accordance with this 315
section then no further payments shall be required under this 316
section in that calendar year from the clerks of those 317
respective courts. 318

This section does not apply to fines collected by a court 319
of common pleas for violations of division (B) of section 320
4513.263 of the Revised Code, all of which shall be forwarded to 321
the treasurer of state as provided in division (E) of that 322
section. 323

This section does not apply to fines imposed under 324
division (B) (9) of section 2929.18 of the Revised Code and 325
collected by a court of common pleas, all of which shall be 326
forwarded by the court to the treasurer of state not later than 327
the twentieth day of the month after the month in which they are 328
collected for deposit into the state treasury to the credit of 329
the rape crisis program trust fund created by section 109.921 of 330
the Revised Code. 331

(D) In each county, the treasurer of the county or the 332
treasurer of the municipal corporation shall deposit monthly 333
fifty per cent of all fines and penalties collected by, and 334
fifty per cent of moneys arising from forfeited ~~bail~~ monetary 335
bonds in, any court in that county for offenses brought for 336
prosecution under Chapters 4301. and 4303. of the Revised Code 337
and the state traffic laws in the county legal resources fund in 338
that county that is created under section 307.514 of the Revised 339
Code. The sum so deposited in that fund by each treasurer shall 340
not exceed twelve hundred dollars per annum under Chapters 4301. 341
and 4303. of the Revised Code, and when that amount has been 342
deposited in that fund in accordance with this section, then no 343

further deposits shall be required under this section in that 344
calendar year from those treasurers. 345

(E) As used in this section, ~~"state traffic laws"~~: 346

(1) "Monetary bond" has the same meaning as in section 347
2937.01 of the Revised Code. 348

(2) "State traffic laws" does not include division (B) of 349
section 4513.263 of the Revised Code. 350

Sec. 1901.026. (A) The current operating costs of a 351
municipal court, other than a county-operated municipal court, 352
that has territorial jurisdiction under section 1901.02 or 353
1901.182 of the Revised Code that extends beyond the corporate 354
limits of the municipal corporation in which the court is 355
located shall be apportioned pursuant to this section among all 356
of the municipal corporations and townships that are within the 357
territory of the court. Each municipal corporation and each 358
township within the territory of the municipal court shall be 359
assigned a proportionate share of the current operating costs of 360
the municipal court that is equal to the percentage of the total 361
criminal and civil caseload of the municipal court that arose in 362
that municipal corporation or township. Each municipal 363
corporation and each township then shall be liable for its 364
assigned proportionate share of the current operating costs of 365
the court, subject to division (B) of this section. 366

For purposes of this section, the criminal and civil 367
caseload that arose in a municipal corporation or township is 368
the total number of criminal cases filed in the municipal court 369
during the preceding calendar year that arose out of offenses 370
that occurred in the municipal corporation or township and the 371
total number of civil cases filed in the municipal court during 372

the preceding calendar year in which the address of the majority 373
of the defendants that are designated in the caption of the case 374
and that have addresses within municipal corporations or 375
townships within the territory of the court is within the 376
municipal corporation or township or, if there is no majority of 377
such defendants, in which the address of the first such 378
defendant is within the municipal corporation or township. 379

(B) A municipal corporation or township within the 380
territory of a municipal court is not required to pay that part 381
of its proportionate share of the current operating costs of the 382
court, as determined in accordance with division (A) of this 383
section, that exceeds the total amount of costs, fees, fines, 384
~~bail~~monetary bonds, or other moneys that was disbursed by the 385
clerk of the court under division (F) of section 1901.31 of the 386
Revised Code, to the municipal corporation or township during 387
the period for which its proportionate share of the current 388
operating costs was determined. The municipal corporation in 389
which the court is located is liable, in addition to its 390
proportionate share, for any part of the proportionate share of 391
a municipal corporation or township that the municipal 392
corporation or township is not required to pay under this 393
division. 394

(C) The auditors or chief fiscal officers of each of the 395
municipal corporations and townships within the territory of a 396
municipal court for which the current operating costs are 397
apportioned under this section shall meet not less than once 398
each six months at the office of the auditor or chief fiscal 399
officer of the municipal corporation in which the court is 400
located to determine the proportionate share due from each 401
municipal corporation and each township, to determine whether 402
any municipal corporation or township is not required to pay any 403

part of its proportionate share under division (B) of this 404
section, and to adjust accounts. The meetings shall be held at 405
the direction of the auditor or chief fiscal officer of the 406
municipal corporation in which the court is located, and the 407
auditor or chief fiscal officer shall preside at the meetings. 408
The proportionate share of each of the municipal corporations 409
and townships, as reduced or increased in accordance with 410
division (B) of this section, is payable from the general fund 411
of the municipal corporation or township or from any other fund 412
designated or funds appropriated for the purpose of paying the 413
particular municipal corporation's or township's proportionate 414
share of the current operating costs of the court. 415

The court of common pleas of the county in which a 416
municipal court for which the current operating costs are 417
apportioned under this section is located has jurisdiction over 418
any civil action that is commenced to determine the current 419
operating costs of the court, the proportionate share of the 420
current operating costs to be paid by a particular municipal 421
corporation or township within the territory of the court, or 422
whether a municipal corporation or township is not required to 423
pay any part of its proportionate share under division (B) of 424
this section. 425

(D) For purposes of this section: 426

(1) "Operating costs" means the figure that is derived by 427
subtracting the total of all costs that are collected and paid 428
to the city treasury by the clerk of the municipal court 429
pursuant to division (F) of section 1901.31 of the Revised Code 430
and all interest received and paid to the city treasury in 431
relation to the costs pursuant to division (G) of section 432
1901.31 of the Revised Code from the total of the amounts 433

payable from the city treasury for the operation of the court 434
pursuant to sections 1901.10, 1901.11, 1901.111, 1901.12, 435
1901.31, 1901.311, 1901.312, 1901.32, 1901.33, 1901.331, 436
1901.36, 1901.37, and 1901.38 of the Revised Code, other than 437
any amounts payable from the city treasury for the operation of 438
the court involving construction, capital improvements, rent, or 439
the provision of heat and light. 440

(2) "Township" means a township that has adopted a limited 441
home rule government pursuant to Chapter 504. of the Revised 442
Code. 443

(3) "Criminal caseload" when used in regard to a township 444
means cases arising from a violation of a township resolution 445
for which a fine is imposed under Chapter 504. of the Revised 446
Code. 447

(4) "Monetary bond" has the same meaning as in section 448
2937.01 of the Revised Code. 449

Sec. 1901.28. (A) A person against whom a judgment has 450
been rendered may stay execution on the judgment by entering 451
into a bond to the adverse party within ten days after the 452
rendition of the judgment with sufficient surety, who shall be a 453
freeholder owning real property situated in the county or a 454
corporation authorized to execute surety bonds in this state, 455
which bond shall be approved by the clerk of the municipal court 456
and conditioned for the payment of the amount of the judgment, 457
interest, and costs. The bond shall be entered on the docket by 458
the clerk of court and shall be signed by the surety. 459

(B) A stay of execution shall not be allowed on: 460

(1) Judgments against sureties or ~~bail~~ monetary bonds for 461
the stay of execution; 462

(2) Judgments rendered in favor of sureties or ~~bail~~ 463
monetary bonds who have been compelled by judgment to pay money 464
on account of their principal; 465

(3) Judgments rendered against a surety on a bond or 466
undertaking given in any action or proceeding in any court; 467

(4) Judgments for an amount not exceeding one hundred 468
dollars rendered in favor of any person for wages due for manual 469
labor by ~~him~~ the person performed; 470

(5) Judgments and decrees in actions of foreclosures of 471
mortgages, mechanics' liens, and in proceedings to subject real 472
property to the payment of judgments and marshalling of liens. 473

(C) In the Cleveland municipal court, if a freeholder of 474
Cuyahoga county is a surety, the undertaking shall be a lien on 475
the real property of the freeholder situated in Cuyahoga county 476
from the time of signing the undertaking until the judgment and 477
all costs in the case upon which the stay of execution has been 478
granted are satisfied. 479

(D) As used in this section, "monetary bond" has the same 480
meaning as in section 2937.01 of the Revised Code. 481

Sec. 1901.31. The clerk and deputy clerks of a municipal 482
court shall be selected, be compensated, give bond, and have 483
powers and duties as follows: 484

(A) There shall be a clerk of the court who is appointed 485
or elected as follows: 486

(1) (a) Except in the Akron, Barberton, Toledo, Hamilton 487
county, Miami county, Montgomery county, Portage county, and 488
Wayne county municipal courts and through December 31, 2008, the 489
Cuyahoga Falls municipal court, if the population of the 490

territory equals or exceeds one hundred thousand at the regular 491
municipal election immediately preceding the expiration of the 492
term of the present clerk, the clerk shall be nominated and 493
elected by the qualified electors of the territory in the manner 494
that is provided for the nomination and election of judges in 495
section 1901.07 of the Revised Code. 496

The clerk so elected shall hold office for a term of six 497
years, which term shall commence on the first day of January 498
following the clerk's election and continue until the clerk's 499
successor is elected and qualified. 500

(b) In the Hamilton county municipal court, the clerk of 501
courts of Hamilton county shall be the clerk of the municipal 502
court and may appoint an assistant clerk who shall receive the 503
compensation, payable out of the treasury of Hamilton county in 504
semimonthly installments, that the board of county commissioners 505
prescribes. The clerk of courts of Hamilton county, acting as 506
the clerk of the Hamilton county municipal court and assuming 507
the duties of that office, shall receive compensation at one- 508
fourth the rate that is prescribed for the clerks of courts of 509
common pleas as determined in accordance with the population of 510
the county and the rates set forth in sections 325.08 and 325.18 511
of the Revised Code. This compensation shall be paid from the 512
county treasury in semimonthly installments and is in addition 513
to the annual compensation that is received for the performance 514
of the duties of the clerk of courts of Hamilton county, as 515
provided in sections 325.08 and 325.18 of the Revised Code. 516

(c) In the Portage county and Wayne county municipal 517
courts, the clerks of courts of Portage county and Wayne county 518
shall be the clerks, respectively, of the Portage county and 519
Wayne county municipal courts and may appoint a chief deputy 520

clerk for each branch that is established pursuant to section 521
1901.311 of the Revised Code and assistant clerks as the judges 522
of the municipal court determine are necessary, all of whom 523
shall receive the compensation that the legislative authority 524
prescribes. The clerks of courts of Portage county and Wayne 525
county, acting as the clerks of the Portage county and Wayne 526
county municipal courts and assuming the duties of these 527
offices, shall receive compensation payable from the county 528
treasury in semimonthly installments at one-fourth the rate that 529
is prescribed for the clerks of courts of common pleas as 530
determined in accordance with the population of the county and 531
the rates set forth in sections 325.08 and 325.18 of the Revised 532
Code. 533

(d) In the Montgomery county and Miami county municipal 534
courts, the clerks of courts of Montgomery county and Miami 535
county shall be the clerks, respectively, of the Montgomery 536
county and Miami county municipal courts. The clerks of courts 537
of Montgomery county and Miami county, acting as the clerks of 538
the Montgomery county and Miami county municipal courts and 539
assuming the duties of these offices, shall receive compensation 540
at one-fourth the rate that is prescribed for the clerks of 541
courts of common pleas as determined in accordance with the 542
population of the county and the rates set forth in sections 543
325.08 and 325.18 of the Revised Code. This compensation shall 544
be paid from the county treasury in semimonthly installments and 545
is in addition to the annual compensation that is received for 546
the performance of the duties of the clerks of courts of 547
Montgomery county and Miami county, as provided in sections 548
325.08 and 325.18 of the Revised Code. 549

(e) Except as otherwise provided in division (A) (1) (e) of 550
this section, in the Akron municipal court, candidates for 551

election to the office of clerk of the court shall be nominated 552
by primary election. The primary election shall be held on the 553
day specified in the charter of the city of Akron for the 554
nomination of municipal officers. Notwithstanding any contrary 555
provision of section 3513.05 or 3513.257 of the Revised Code, 556
the declarations of candidacy and petitions of partisan 557
candidates and the nominating petitions of independent 558
candidates for the office of clerk of the Akron municipal court 559
shall be signed by at least fifty qualified electors of the 560
territory of the court. 561

The candidates shall file a declaration of candidacy and 562
petition, or a nominating petition, whichever is applicable, not 563
later than four p.m. of the ninetieth day before the day of the 564
primary election, in the form prescribed by section 3513.07 or 565
3513.261 of the Revised Code. The declaration of candidacy and 566
petition, or the nominating petition, shall conform to the 567
applicable requirements of section 3513.05 or 3513.257 of the 568
Revised Code. 569

If no valid declaration of candidacy and petition is filed 570
by any person for nomination as a candidate of a particular 571
political party for election to the office of clerk of the Akron 572
municipal court, a primary election shall not be held for the 573
purpose of nominating a candidate of that party for election to 574
that office. If only one person files a valid declaration of 575
candidacy and petition for nomination as a candidate of a 576
particular political party for election to that office, a 577
primary election shall not be held for the purpose of nominating 578
a candidate of that party for election to that office, and the 579
candidate shall be issued a certificate of nomination in the 580
manner set forth in section 3513.02 of the Revised Code. 581

Declarations of candidacy and petitions, nominating 582
petitions, and certificates of nomination for the office of 583
clerk of the Akron municipal court shall contain a designation 584
of the term for which the candidate seeks election. At the 585
following regular municipal election, all candidates for the 586
office shall be submitted to the qualified electors of the 587
territory of the court in the manner that is provided in section 588
1901.07 of the Revised Code for the election of the judges of 589
the court. The clerk so elected shall hold office for a term of 590
six years, which term shall commence on the first day of January 591
following the clerk's election and continue until the clerk's 592
successor is elected and qualified. 593

(f) Except as otherwise provided in division (A)(1)(f) of 594
this section, in the Barberton municipal court, candidates for 595
election to the office of clerk of the court shall be nominated 596
by primary election. The primary election shall be held on the 597
day specified in the charter of the city of Barberton for the 598
nomination of municipal officers. Notwithstanding any contrary 599
provision of section 3513.05 or 3513.257 of the Revised Code, 600
the declarations of candidacy and petitions of partisan 601
candidates and the nominating petitions of independent 602
candidates for the office of clerk of the Barberton municipal 603
court shall be signed by at least fifty qualified electors of 604
the territory of the court. 605

The candidates shall file a declaration of candidacy and 606
petition, or a nominating petition, whichever is applicable, not 607
later than four p.m. of the ninetieth day before the day of the 608
primary election, in the form prescribed by section 3513.07 or 609
3513.261 of the Revised Code. The declaration of candidacy and 610
petition, or the nominating petition, shall conform to the 611
applicable requirements of section 3513.05 or 3513.257 of the 612

Revised Code. 613

If no valid declaration of candidacy and petition is filed 614
by any person for nomination as a candidate of a particular 615
political party for election to the office of clerk of the 616
Barberton municipal court, a primary election shall not be held 617
for the purpose of nominating a candidate of that party for 618
election to that office. If only one person files a valid 619
declaration of candidacy and petition for nomination as a 620
candidate of a particular political party for election to that 621
office, a primary election shall not be held for the purpose of 622
nominating a candidate of that party for election to that 623
office, and the candidate shall be issued a certificate of 624
nomination in the manner set forth in section 3513.02 of the 625
Revised Code. 626

Declarations of candidacy and petitions, nominating 627
petitions, and certificates of nomination for the office of 628
clerk of the Barberton municipal court shall contain a 629
designation of the term for which the candidate seeks election. 630
At the following regular municipal election, all candidates for 631
the office shall be submitted to the qualified electors of the 632
territory of the court in the manner that is provided in section 633
1901.07 of the Revised Code for the election of the judges of 634
the court. The clerk so elected shall hold office for a term of 635
six years, which term shall commence on the first day of January 636
following the clerk's election and continue until the clerk's 637
successor is elected and qualified. 638

(g) (i) Through December 31, 2008, except as otherwise 639
provided in division (A) (1) (g) (i) of this section, in the 640
Cuyahoga Falls municipal court, candidates for election to the 641
office of clerk of the court shall be nominated by primary 642

election. The primary election shall be held on the day 643
specified in the charter of the city of Cuyahoga Falls for the 644
nomination of municipal officers. Notwithstanding any contrary 645
provision of section 3513.05 or 3513.257 of the Revised Code, 646
the declarations of candidacy and petitions of partisan 647
candidates and the nominating petitions of independent 648
candidates for the office of clerk of the Cuyahoga Falls 649
municipal court shall be signed by at least fifty qualified 650
electors of the territory of the court. 651

The candidates shall file a declaration of candidacy and 652
petition, or a nominating petition, whichever is applicable, not 653
later than four p.m. of the ninetieth day before the day of the 654
primary election, in the form prescribed by section 3513.07 or 655
3513.261 of the Revised Code. The declaration of candidacy and 656
petition, or the nominating petition, shall conform to the 657
applicable requirements of section 3513.05 or 3513.257 of the 658
Revised Code. 659

If no valid declaration of candidacy and petition is filed 660
by any person for nomination as a candidate of a particular 661
political party for election to the office of clerk of the 662
Cuyahoga Falls municipal court, a primary election shall not be 663
held for the purpose of nominating a candidate of that party for 664
election to that office. If only one person files a valid 665
declaration of candidacy and petition for nomination as a 666
candidate of a particular political party for election to that 667
office, a primary election shall not be held for the purpose of 668
nominating a candidate of that party for election to that 669
office, and the candidate shall be issued a certificate of 670
nomination in the manner set forth in section 3513.02 of the 671
Revised Code. 672

Declarations of candidacy and petitions, nominating 673
petitions, and certificates of nomination for the office of 674
clerk of the Cuyahoga Falls municipal court shall contain a 675
designation of the term for which the candidate seeks election. 676
At the following regular municipal election, all candidates for 677
the office shall be submitted to the qualified electors of the 678
territory of the court in the manner that is provided in section 679
1901.07 of the Revised Code for the election of the judges of 680
the court. The clerk so elected shall hold office for a term of 681
six years, which term shall commence on the first day of January 682
following the clerk's election and continue until the clerk's 683
successor is elected and qualified. 684

(ii) Division (A) (1) (g) (i) of this section shall have no 685
effect after December 31, 2008. 686

(h) Except as otherwise provided in division (A) (1) (h) of 687
this section, in the Toledo municipal court, candidates for 688
election to the office of clerk of the court shall be nominated 689
by primary election. The primary election shall be held on the 690
day specified in the charter of the city of Toledo for the 691
nomination of municipal officers. Notwithstanding any contrary 692
provision of section 3513.05 or 3513.257 of the Revised Code, 693
the declarations of candidacy and petitions of partisan 694
candidates and the nominating petitions of independent 695
candidates for the office of clerk of the Toledo municipal court 696
shall be signed by at least fifty qualified electors of the 697
territory of the court. 698

The candidates shall file a declaration of candidacy and 699
petition, or a nominating petition, whichever is applicable, not 700
later than four p.m. of the ninetieth day before the day of the 701
primary election, in the form prescribed by section 3513.07 or 702

3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Toledo municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Toledo municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(2) (a) Except for the Alliance, Auglaize county, Brown county, Columbiana county, Holmes county, Perry county, Putnam

county, Sandusky county, Lorain, Massillon, and Youngstown 733
municipal courts, in a municipal court for which the population 734
of the territory is less than one hundred thousand, the clerk 735
shall be appointed by the court, and the clerk shall hold office 736
until the clerk's successor is appointed and qualified. 737

(b) In the Alliance, Lorain, Massillon, and Youngstown 738
municipal courts, the clerk shall be elected for a term of 739
office as described in division (A) (1) (a) of this section. 740

(c) In the Auglaize county, Brown county, Holmes county, 741
Perry county, Putnam county, and Sandusky county municipal 742
courts, the clerks of courts of Auglaize county, Brown county, 743
Holmes county, Perry county, Putnam county, and Sandusky county 744
shall be the clerks, respectively, of the Auglaize county, Brown 745
county, Holmes county, Perry county, Putnam county, and Sandusky 746
county municipal courts and may appoint a chief deputy clerk for 747
each branch office that is established pursuant to section 748
1901.311 of the Revised Code, and assistant clerks as the judge 749
of the court determines are necessary, all of whom shall receive 750
the compensation that the legislative authority prescribes. The 751
clerks of courts of Auglaize county, Brown county, Holmes 752
county, Perry county, Putnam county, and Sandusky county, acting 753
as the clerks of the Auglaize county, Brown county, Holmes 754
county, Perry county, Putnam county, and Sandusky county 755
municipal courts and assuming the duties of these offices, shall 756
receive compensation payable from the county treasury in 757
semimonthly installments at one-fourth the rate that is 758
prescribed for the clerks of courts of common pleas as 759
determined in accordance with the population of the county and 760
the rates set forth in sections 325.08 and 325.18 of the Revised 761
Code. 762

(d) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(3) During the temporary absence of the clerk due to illness, vacation, or other proper cause, the court may appoint a temporary clerk, who shall be paid the same compensation, have the same authority, and perform the same duties as the clerk.

(B) Except in the Hamilton county, Montgomery county, Miami county, Portage county, and Wayne county municipal courts, if a vacancy occurs in the office of the clerk of the Alliance, Lorain, Massillon, or Youngstown municipal court or occurs in the office of the clerk of a municipal court for which the population of the territory equals or exceeds one hundred thousand because the clerk ceases to hold the office before the end of the clerk's term or because a clerk-elect fails to take office, the vacancy shall be filled, until a successor is elected and qualified, by a person chosen by the residents of

the territory of the court who are members of the county central 794
committee of the political party by which the last occupant of 795
that office or the clerk-elect was nominated. Not less than five 796
nor more than fifteen days after a vacancy occurs, those members 797
of that county central committee shall meet to make an 798
appointment to fill the vacancy. At least four days before the 799
date of the meeting, the chairperson or a secretary of the 800
county central committee shall notify each such member of that 801
county central committee by first class mail of the date, time, 802
and place of the meeting and its purpose. A majority of all such 803
members of that county central committee constitutes a quorum, 804
and a majority of the quorum is required to make the 805
appointment. If the office so vacated was occupied or was to be 806
occupied by a person not nominated at a primary election, or if 807
the appointment was not made by the committee members in 808
accordance with this division, the court shall make an 809
appointment to fill the vacancy. A successor shall be elected to 810
fill the office for the unexpired term at the first municipal 811
election that is held more than one hundred thirty-five days 812
after the vacancy occurred. 813

(C) (1) In a municipal court, other than the Auglaize 814
county, the Brown county, the Columbiana county, the Holmes 815
county, the Perry county, the Putnam county, the Sandusky 816
county, and the Lorain municipal courts, for which the 817
population of the territory is less than one hundred thousand, 818
the clerk of the municipal court shall receive the annual 819
compensation that the presiding judge of the court prescribes, 820
if the revenue of the court for the preceding calendar year, as 821
certified by the auditor or chief fiscal officer of the 822
municipal corporation in which the court is located or, in the 823
case of a county-operated municipal court, the county auditor, 824

is equal to or greater than the expenditures, including any debt 825
charges, for the operation of the court payable under this 826
chapter from the city treasury or, in the case of a county- 827
operated municipal court, the county treasury for that calendar 828
year, as also certified by the auditor or chief fiscal officer. 829
If the revenue of a municipal court, other than the Auglaize 830
county, the Brown county, the Columbiana county, the Perry 831
county, the Putnam county, the Sandusky county, and the Lorain 832
municipal courts, for which the population of the territory is 833
less than one hundred thousand for the preceding calendar year 834
as so certified is not equal to or greater than those 835
expenditures for the operation of the court for that calendar 836
year as so certified, the clerk of a municipal court shall 837
receive the annual compensation that the legislative authority 838
prescribes. As used in this division, "revenue" means the total 839
of all costs and fees that are collected and paid to the city 840
treasury or, in a county-operated municipal court, the county 841
treasury by the clerk of the municipal court under division (F) 842
of this section and all interest received and paid to the city 843
treasury or, in a county-operated municipal court, the county 844
treasury in relation to the costs and fees under division (G) of 845
this section. 846

(2) In a municipal court, other than the Hamilton county, 847
Montgomery county, Miami county, Portage county, and Wayne 848
county municipal courts, for which the population of the 849
territory is one hundred thousand or more, and in the Lorain 850
municipal court, the clerk of the municipal court shall receive 851
annual compensation in a sum equal to eighty-five per cent of 852
the salary of a judge of the court. 853

(3) The compensation of a clerk described in division (C) 854
(1) or (2) of this section and of the clerk of the Columbiana 855

county municipal court is payable in either semimonthly 856
installments or biweekly installments, as determined by the 857
payroll administrator, from the same sources and in the same 858
manner as provided in section 1901.11 of the Revised Code, 859
except that the compensation of the clerk of the Carroll county 860
municipal court is payable in biweekly installments. 861

(D) Before entering upon the duties of the clerk's office, 862
the clerk of a municipal court shall give bond of not less than 863
six thousand dollars to be determined by the judges of the 864
court, conditioned upon the faithful performance of the clerk's 865
duties. 866

(E) The clerk of a municipal court may do all of the 867
following: administer oaths, take affidavits, and issue 868
executions upon any judgment rendered in the court, including a 869
judgment for unpaid costs; issue, sign, and attach the seal of 870
the court to all writs, process, subpoenas, and papers issuing 871
out of the court; and approve all bonds, sureties, 872
recognizances, and undertakings fixed by any judge of the court 873
or by law. The clerk may refuse to accept for filing any 874
pleading or paper submitted for filing by a person who has been 875
found to be a vexatious litigator under section 2323.52 of the 876
Revised Code and who has failed to obtain leave to proceed under 877
that section. The clerk shall do all of the following: file and 878
safely keep all journals, records, books, and papers belonging 879
or appertaining to the court; record the proceedings of the 880
court; perform all other duties that the judges of the court may 881
prescribe; and keep a book showing all receipts and 882
disbursements, which book shall be open for public inspection at 883
all times. 884

The clerk shall prepare and maintain a general index, a 885

docket, and other records that the court, by rule, requires, all 886
of which shall be the public records of the court. In the 887
docket, the clerk shall enter, at the time of the commencement 888
of an action, the names of the parties in full, the names of the 889
counsel, and the nature of the proceedings. Under proper dates, 890
the clerk shall note the filing of the complaint, issuing of 891
summons or other process, returns, and any subsequent pleadings. 892
The clerk also shall enter all reports, verdicts, orders, 893
judgments, and proceedings of the court, clearly specifying the 894
relief granted or orders made in each action. The court may 895
order an extended record of any of the above to be made and 896
entered, under the proper action heading, upon the docket at the 897
request of any party to the case, the expense of which record 898
may be taxed as costs in the case or may be required to be 899
prepaid by the party demanding the record, upon order of the 900
court. 901

(F) The clerk of a municipal court shall receive, collect, 902
and issue receipts for all costs, fees, fines, ~~bail~~monetary 903
bonds, and other moneys payable to the office or to any officer 904
of the court. The clerk shall on or before the twentieth day of 905
the month following the month in which they are collected 906
disburse to the proper persons or officers, and take receipts 907
for, all costs, fees, fines, ~~bail~~monetary bonds, and other 908
moneys that the clerk collects. Subject to sections 307.515 and 909
4511.193 of the Revised Code and to any other section of the 910
Revised Code that requires a specific manner of disbursement of 911
any moneys received by a municipal court and except for the 912
Hamilton county, Lawrence county, and Ottawa county municipal 913
courts, the clerk shall pay all fines received for violation of 914
municipal ordinances into the treasury of the municipal 915
corporation the ordinance of which was violated and shall pay 916

all fines received for violation of township resolutions adopted 917
pursuant to section 503.52 or 503.53 or Chapter 504. of the 918
Revised Code into the treasury of the township the resolution of 919
which was violated. Subject to sections 1901.024 and 4511.193 of 920
the Revised Code, in the Hamilton county, Lawrence county, and 921
Ottawa county municipal courts, the clerk shall pay fifty per 922
cent of the fines received for violation of municipal ordinances 923
and fifty per cent of the fines received for violation of 924
township resolutions adopted pursuant to section 503.52 or 925
503.53 or Chapter 504. of the Revised Code into the treasury of 926
the county. Subject to sections 307.515, 4511.19, and 5503.04 of 927
the Revised Code and to any other section of the Revised Code 928
that requires a specific manner of disbursement of any moneys 929
received by a municipal court, the clerk shall pay all fines 930
collected for the violation of state laws into the county 931
treasury. Except in a county-operated municipal court, the clerk 932
shall pay all costs and fees the disbursement of which is not 933
otherwise provided for in the Revised Code into the city 934
treasury. The clerk of a county-operated municipal court shall 935
pay the costs and fees the disbursement of which is not 936
otherwise provided for in the Revised Code into the county 937
treasury. Moneys deposited as security for costs shall be 938
retained pending the litigation. The clerk shall keep a separate 939
account of all receipts and disbursements in civil and criminal 940
cases, which shall be a permanent public record of the office. 941
On the expiration of the term of the clerk, the clerk shall 942
deliver the records to the clerk's successor. The clerk shall 943
have other powers and duties as are prescribed by rule or order 944
of the court. 945

(G) All moneys paid into a municipal court shall be noted 946
on the record of the case in which they are paid and shall be 947

deposited in a state or national bank, as defined in section 948
1101.01 of the Revised Code, that is selected by the clerk. Any 949
interest received upon the deposits shall be paid into the city 950
treasury, except that, in a county-operated municipal court, the 951
interest shall be paid into the treasury of the county in which 952
the court is located. 953

On the first Monday in January of each year, the clerk 954
shall make a list of the titles of all cases in the court that 955
were finally determined more than one year past in which there 956
remains unclaimed in the possession of the clerk any funds, or 957
any part of a deposit for security of costs not consumed by the 958
costs in the case. The clerk shall give notice of the moneys to 959
the parties who are entitled to the moneys or to their attorneys 960
of record. All the moneys remaining unclaimed on the first day 961
of April of each year shall be paid by the clerk to the city 962
treasurer, except that, in a county-operated municipal court, 963
the moneys shall be paid to the treasurer of the county in which 964
the court is located. The treasurer shall pay any part of the 965
moneys at any time to the person who has the right to the moneys 966
upon proper certification of the clerk. 967

(H) Deputy clerks of a municipal court other than the 968
Carroll county municipal court may be appointed by the clerk and 969
shall receive the compensation, payable in either biweekly 970
installments or semimonthly installments, as determined by the 971
payroll administrator, out of the city treasury, that the clerk 972
may prescribe, except that the compensation of any deputy clerk 973
of a county-operated municipal court shall be paid out of the 974
treasury of the county in which the court is located. The judge 975
of the Carroll county municipal court may appoint deputy clerks 976
for the court, and the deputy clerks shall receive the 977
compensation, payable in biweekly installments out of the county 978

treasury, that the judge may prescribe. Each deputy clerk shall 979
take an oath of office before entering upon the duties of the 980
deputy clerk's office and, when so qualified, may perform the 981
duties appertaining to the office of the clerk. The clerk may 982
require any of the deputy clerks to give bond of not less than 983
three thousand dollars, conditioned for the faithful performance 984
of the deputy clerk's duties. 985

(I) For the purposes of this section, whenever the 986
population of the territory of a municipal court falls below one 987
hundred thousand but not below ninety thousand, and the 988
population of the territory prior to the most recent regular 989
federal census exceeded one hundred thousand, the legislative 990
authority of the municipal corporation may declare, by 991
resolution, that the territory shall be considered to have a 992
population of at least one hundred thousand. 993

(J) The clerk or a deputy clerk shall be in attendance at 994
all sessions of the municipal court, although not necessarily in 995
the courtroom, and may administer oaths to witnesses and jurors 996
and receive verdicts. 997

(K) As used in this section, "monetary bond" has the same 998
meaning as in section 2937.01 of the Revised Code. 999

Sec. 1907.20. (A) The clerk of courts shall be the clerk 1000
of the county court, except that the board of county 1001
commissioners, with the concurrence of the county court judges, 1002
may appoint a clerk for each county court judge, who shall serve 1003
at the pleasure of the board and shall receive compensation as 1004
set by the board, payable in semimonthly installments from the 1005
treasury of the county. Except as otherwise provided in section 1006
3.061 of the Revised Code, an appointed clerk, before entering 1007
upon the duties of the office, shall give bond of not less than 1008

five thousand dollars, as determined by the board of county 1009
commissioners, conditioned upon the faithful performance of the 1010
clerk's duties. 1011

The clerks of courts of common pleas, when acting as the 1012
clerks of county courts, and upon assuming their county court 1013
duties, shall receive compensation at one-fourth the rate 1014
prescribed for the clerks of courts of common pleas as 1015
determined in accordance with the population of the county and 1016
the rates set forth in sections 325.08 and 325.18 of the Revised 1017
Code. This compensation shall be paid from the county treasury 1018
in semimonthly installments and is in addition to the annual 1019
compensation received for the performance of the duties of the 1020
clerk of a court of common pleas as provided in sections 325.08 1021
and 325.18 of the Revised Code. 1022

(B) The clerk of a county court shall have general powers 1023
to administer oaths, take affidavits, and issue executions upon 1024
any judgment rendered in the county court, including a judgment 1025
for unpaid costs, power to issue and sign all writs, process, 1026
subpoenas, and papers issuing out of the court, and to attach 1027
the seal of the court to them, and power to approve all bonds, 1028
sureties, recognizances, and undertakings fixed by any judge of 1029
the court or by law. The clerk shall file and safely keep all 1030
journals, records, books, and papers belonging or appertaining 1031
to the court, record its proceedings, perform all other duties 1032
that the judges of the court may prescribe, and keep a book 1033
showing all receipts and disbursements, which shall be open for 1034
public inspection at all times. The clerk may refuse to accept 1035
for filing any pleading or paper submitted for filing by a 1036
person who has been found to be a vexatious litigator under 1037
section 2323.52 of the Revised Code and who has failed to obtain 1038
leave to proceed under that section. 1039

The clerk shall prepare and maintain a general index, a 1040
docket as prescribed by the court, which shall be furnished by 1041
the board of county commissioners, and such other records as the 1042
court, by rule, requires, all of which shall be the public 1043
records of the court. In the docket, the clerk shall enter at 1044
times of the commencement of an action, the names of the parties 1045
in full, the names of the counsel, and the nature of the 1046
proceedings. Under proper dates, the clerk shall note the filing 1047
of the complaint, issuing of summons or other process, returns, 1048
and pleadings subsequent thereto. The clerk also shall enter all 1049
reports, verdicts, orders, judgments, and proceedings of the 1050
court, clearly specifying the relief granted or orders made in 1051
each action. The court may order an extended record of any of 1052
the above to be made and entered, under the proper action 1053
heading, upon the docket at the request of any party to the 1054
case, the expense of which may be taxed as costs in the case or 1055
may be required to be prepaid by the party demanding the 1056
extended record, upon order of the court. 1057

(C) The clerk of a county court shall receive and collect 1058
all costs, fees, fines, penalties, ~~bail~~monetary bonds, and other 1059
moneys payable to the office or to any officer of the court and 1060
issue receipts therefor, and shall on or before the twentieth 1061
day of the month following the month in which they are collected 1062
disburse the costs, fees, fines, penalties, ~~bail~~monetary bonds, 1063
and other moneys to the proper persons or officers and take 1064
receipts therefor. Subject to sections 307.515, 4511.19, 1065
4511.193, and 5503.04 of the Revised Code and all other statutes 1066
that require a different distribution of fines, fines received 1067
for violations of municipal ordinances shall be paid into the 1068
treasury of the municipal corporation whose ordinance was 1069
violated, fines received for violations of township resolutions 1070

adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 1071
the Revised Code shall be paid into the treasury of the township 1072
whose resolution was violated, and fines collected for the 1073
violation of state laws shall be paid into the county treasury. 1074
Moneys deposited as security for costs shall be retained pending 1075
the litigation. 1076

The clerk shall keep a separate account of all receipts 1077
and disbursements in civil and criminal cases. The separate 1078
account shall be a permanent public record of the office. On the 1079
expiration of a clerk's term, those records shall be delivered 1080
to the clerk's successor. 1081

The clerk shall have such other powers and duties as are 1082
prescribed by rule or order of the court. 1083

(D) All moneys paid into a county court shall be noted on 1084
the record of the case in which they are paid and shall be 1085
deposited in a state or national bank selected by the clerk. On 1086
the first Monday in January of each year, the clerk shall make a 1087
list of the titles of all cases in the county court that were 1088
finally determined more than one year past in which there 1089
remains unclaimed in the possession of the clerk any funds, or 1090
any part of a deposit for security of costs not consumed by the 1091
costs in the case. The clerk shall give notice of the moneys to 1092
the parties entitled to them or to their attorneys of record. 1093
All the moneys remaining unclaimed on the first day of April of 1094
each year shall be paid by the clerk to the county treasurer. 1095
Any part of the moneys shall be paid by the county treasurer at 1096
any time to the person having the right to them, upon proper 1097
certification of the clerk. 1098

(E) (1) In county court districts having appointed clerks, 1099
deputy clerks may be appointed by the board of county 1100

commissioners. Clerks and deputy clerks shall receive such 1101
compensation payable in semimonthly installments out of the 1102
county treasury as the board may prescribe. Each deputy clerk 1103
shall take an oath of office before entering upon the duties of 1104
the deputy clerk's office and, when so qualified, may perform 1105
the duties appertaining to the office of the clerk. The clerk 1106
may require any of the deputy clerks to give bond of not less 1107
than three thousand dollars, conditioned for the faithful 1108
performance of the deputy clerk's duties. 1109

(2) A clerk of courts acting as clerk of the county court 1110
may appoint deputy clerks to perform the duties pertaining to 1111
the office of clerk of the county court. Each deputy clerk shall 1112
take an oath of office before entering upon the deputy clerk's 1113
duties, and the clerk of courts may require the deputy clerk to 1114
give bond of not less than three thousand dollars, conditioned 1115
for the faithful performance of the deputy clerk's duties. 1116

(3) The clerk or a deputy clerk of a county court shall be 1117
in attendance at all sessions of the court, although not 1118
necessarily in the courtroom, and may administer oaths to 1119
witnesses and jurors and receive verdicts. 1120

(F) (1) In county court districts having appointed clerks, 1121
the board of county commissioners may order the establishment of 1122
one or more branch offices of the clerk and, with the 1123
concurrence of the county judges, may appoint a special deputy 1124
clerk to administer each branch office. Each special deputy 1125
clerk shall take an oath of office before entering upon the 1126
duties of the deputy clerk's office and, when so qualified, may 1127
perform any one or more of the duties appertaining to the office 1128
of clerk, as the board prescribes. Special deputy clerks shall 1129
receive such compensation payable in semimonthly installments 1130

out of the county treasury as the board may prescribe. Except as 1131
otherwise provided in section 3.061 of the Revised Code, the 1132
board may require any of the special deputy clerks to give bond 1133
of not less than three thousand dollars, conditioned for the 1134
faithful performance of the deputy clerk's duties. 1135

The board of county commissioners may authorize the clerk 1136
of the county court to operate one or more branch offices, to 1137
divide the clerk's time between the offices, and to perform 1138
duties appertaining to the office of clerk in locations that the 1139
board prescribes. 1140

(2) A clerk of courts acting as clerk of the county court 1141
may establish one or more branch offices for the clerk's duties 1142
as clerk of the county court and, with the concurrence of the 1143
county court judges, may appoint a special deputy clerk to 1144
administer each branch office. Each special deputy clerk shall 1145
take an oath of office before entering upon the deputy clerk's 1146
duties and, when so qualified, may perform any of the duties 1147
pertaining to the office of clerk, as the clerk of courts 1148
prescribes. The clerk of courts may require any of the special 1149
deputy clerks to give bond of not less than three thousand 1150
dollars, conditioned for the faithful performance of the deputy 1151
clerk's duties. 1152

(G) The clerk of courts of the county shall fix the 1153
compensation of deputy clerks and special deputy clerks 1154
appointed by the clerk pursuant to this section. Those personnel 1155
shall be paid and be subject to the same requirements as other 1156
employees of the clerk under the provisions of section 325.17 of 1157
the Revised Code insofar as that section is applicable. 1158

(H) As used in this section, "monetary bond" has the same 1159
meaning as in section 2937.01 of the Revised Code. 1160

Sec. 1907.32. (A) A defendant in a civil action in a 1161
county court may be arrested under the circumstances and in the 1162
manner specified in Chapter 2713. of the Revised Code for 1163
arrests of defendants in the courts of common pleas, but 1164
references in that chapter to a county sheriff shall be 1165
construed to include constables who are ministerial officers of 1166
a county court. ~~The bail and deposit of money in lieu of bail-~~ 1167
monetary bond provisions of that chapter also shall apply to 1168
defendants in a county court. 1169

(B) As used in this section, "monetary bond" has the same 1170
meaning as in section 2937.01 of the Revised Code. 1171

Sec. 2329.54. (A) When judgment is rendered in a court of 1172
record in this state upon an instrument in writing in which two 1173
or more persons are jointly or severally bound, and it appears 1174
to the court, by parol or other testimony, that one or more of 1175
the persons so bound signed it as surety or ~~bail~~monetary bond 1176
for ~~his~~a codefendant, the clerk of such court, in recording the 1177
judgment thereon, must certify which of the defendants is 1178
principal debtor and which is the surety or ~~bail~~monetary bond. 1179
Such clerk shall issue execution on such judgment, commanding 1180
the officer to levy on the goods, chattels, lands, and 1181
tenements, of the principal debtor, or, for want of sufficient 1182
property of ~~his~~the principal debtor to make it, to levy on the 1183
goods, chattels, lands, and tenements, of the surety or 1184
~~bail~~monetary bond. The property, personal and real, of the 1185
principal debtor, within the jurisdiction of the court, shall be 1186
exhausted before any of the property of the surety or ~~bail~~ 1187
monetary bond is taken in execution. 1188

(B) As used in this section, "monetary bond" has the same 1189
meaning as in section 2937.01 of the Revised Code. 1190

Sec. 2713.05. (A) With a copy of the affidavit, the order 1191
of arrest provided for by section 2713.02 of the Revised Code 1192
shall be addressed and delivered to the sheriff, and must 1193
specify the names of the parties, the court in which the action 1194
is brought, the amount of the plaintiff's claim stated in the 1195
affidavit, and require the sheriff to arrest the defendant, ~~hold~~ 1196
~~him in bail~~ require the defendant to pay a monetary bond in 1197
double that sum, and to make return thereof on a day to be named 1198
therein, with the monetary bond ~~of the bail~~, if any is given. 1199

(B) As used in this section, "monetary bond" has the same 1200
meaning as in section 2937.01 of the Revised Code. 1201

Sec. 2713.09. (A) Before or after giving ~~bail~~ a monetary 1202
bond, the defendant may deposit with the sheriff, or in court, 1203
the amount specified in the order of arrest issued pursuant to 1204
section 2713.02 of the Revised Code; whereupon the defendant 1205
must be discharged, or ~~his bail~~ the defendant's monetary bond be 1206
released. 1207

(B) As used in this section, "monetary bond" has the same 1208
meaning as in section 2937.01 of the Revised Code. 1209

Sec. 2713.10. (A) The sheriff shall pay into court the 1210
money received by ~~him~~ the sheriff in lieu of ~~bail~~ a monetary 1211
bond under section 2713.09 of the Revised Code. If it is 1212
received in vacation, ~~he~~ the sheriff shall pay it on the first 1213
day of the next term; if received during the term, immediately. 1214

(B) As used in this section, "monetary bond" has the same 1215
meaning as in section 2937.01 of the Revised Code. 1216

Sec. 2713.11. (A) The court shall make proper orders for 1217
the safekeeping of money deposited in lieu of ~~bail~~ a monetary 1218
bond under section 2713.09 of the Revised Code, and may direct 1219

the sheriff to keep it, and after final judgment in the action 1220
shall order it to be paid to the party entitled to it according 1221
to the result. 1222

(B) As used in this section, "monetary bond" has the same 1223
meaning as in section 2937.01 of the Revised Code. 1224

Sec. 2713.13. ~~Bail~~ (A) A monetary bond may be given by the 1225
defendant ~~on his~~ upon arrest under section 2713.07 of the 1226
Revised Code, or afterward, before judgment. It shall be done by 1227
~~causing~~ executing a sufficient bail to execute a monetary bond 1228
to the plaintiff, in the presence of the sheriff, to the effect 1229
that, if judgment is rendered in the action against the 1230
defendant, such ~~bail~~ monetary bond will be amenable to the 1231
process of the court thereon. The bond, when accepted, shall be 1232
returned to the clerk's office, and the defendant shall be 1233
discharged. 1234

(B) As used in this section, "monetary bond" has the same 1235
meaning as in section 2937.01 of the Revised Code. 1236

Sec. 2713.14. (A) The plaintiff, or his ~~the plaintiff's~~ 1237
attorney, may object to the ~~bail~~ monetary bond provided under 1238
section 2713.13 of the Revised Code, for insufficiency, within 1239
ten days after the bond is given, by serving upon the sheriff a 1240
written notice that ~~he~~ the plaintiff does not accept the 1241
~~bail~~ monetary bond. Failure to serve such notice shall be deemed 1242
an acceptance of the ~~bail~~ monetary bond, and the sheriff is 1243
exonerated from liability. When the bond is given after the 1244
return of the order of arrest, the plaintiff shall have notice 1245
thereof. 1246

(B) As used in this section, "monetary bond" has the same 1247
meaning as in section 2937.01 of the Revised Code. 1248

Sec. 2713.15. (A) Within ten days after receipt of the 1249
notice provided for by section 2713.14 of the Revised Code, the 1250
sheriff or the defendant may give to the plaintiff, or ~~his~~the 1251
plaintiff's attorney, notice in writing of the justification of 1252
the same or ~~other bail~~a secured bond before a judge or clerk of 1253
the court in which the action is brought, a probate judge, or 1254
judge of a county court, at a time, not less than five nor more 1255
than ten days thereafter, and a place to be specified therein. 1256
If ~~other bail~~a secured bond is given, a new bond must be 1257
executed. 1258

(B) As used in this section, "secured bond" has the same 1259
meaning as in section 2937.01 of the Revised Code. 1260

Sec. 2713.16. (A) For the purpose of justification, each 1261
of the ~~bail~~sureties must attend before the proper officer, at 1262
the time and place mentioned in the notice of justification 1263
provided for by section 2713.15 of the Revised Code, and may be 1264
examined on oath touching ~~his~~the sureties sufficiency, in such 1265
manner as the officer deems proper. 1266

If the officer finds the ~~bail~~sureties sufficient, ~~he~~the 1267
officer shall indorse ~~his~~the officer's allowance on the bond 1268
and file it with the clerk of the court; and the sheriff 1269
thereupon shall be discharged from liability. 1270

(B) As used in this section, "sureties" has the same 1271
meaning as in section 2937.01 of the Revised Code. 1272

Sec. 2713.17. (A) After the arrest of the defendant 1273
pursuant to section 2713.07 of the Revised Code, if ~~he~~the 1274
defendant escapes or is rescued, or ~~bail~~a monetary bond is not 1275
taken or is adjudged insufficient, or a deposit is not made, the 1276
sheriff shall be liable as ~~bail~~surety; but ~~he~~the sheriff may 1277

discharge ~~himself-self~~ from liability by putting in sufficient 1278
~~bail-surety~~ before judgment. 1279

(B) As used in this section, "monetary bond" and "surety" 1280
have the same meanings as in section 2937.01 of the Revised 1281
Code. 1282

Sec. 2713.18. (A) The return of "not found" upon an 1283
execution against the body of the defendant is necessary to fix 1284
the liability of the sheriff as ~~bail-surety~~, which liability 1285
shall be the amount of the judgment, interest, and costs. This 1286
liability can be enforced only in a separate action against the 1287
sheriff, or against ~~him-the sheriff~~ and ~~his-the sheriff's~~ 1288
sureties on ~~his-the sheriff's~~ official bond, as in other cases 1289
of delinquency. 1290

(B) As used in this section, "surety" has the same meaning 1291
as in section 2937.01 of the Revised Code. 1292

Sec. 2713.19. (A) The ~~bail-surety~~ adjudged insufficient by 1293
an officer mentioned in section 2713.15 of the Revised Code 1294
shall be liable to the sheriff for the damages ~~he-the sheriff~~ 1295
sustains by reason of such insufficiency. 1296

(B) As used in this section, "surety" has the same meaning 1297
as in section 2937.01 of the Revised Code. 1298

Sec. 2713.20. (A) The liability of the ~~bail-surety~~ shall 1299
be fixed in the manner provided by law for fixing the liability 1300
of the sheriff as ~~bail-surety~~. The ~~bail-surety~~ can be proceeded 1301
against in an action only. 1302

(B) As used in this section, "surety" has the same meaning 1303
as in section 2937.01 of the Revised Code. 1304

Sec. 2713.21. (A) A surrender of a defendant to the 1305

sheriff of the county in which ~~he~~ the defendant was arrested, 1306
with a delivery of a certified copy of the bond of the 1307
~~bail~~ surety, whether such surrender is made by the defendant 1308
~~himself personally~~ or by ~~his bail~~ the defendant's surety, 1309
discharges the ~~bail~~ surety. A surrender may be made before the 1310
return day of the summons in an action against the ~~bail~~ surety. 1311
The sheriff shall give to the ~~bail~~ surety a written 1312
acknowledgment of the surrender, and hold the defendant in ~~his~~ 1313
custody upon such copy of the bond of the ~~bail~~ surety as upon an 1314
order of arrest. The clerk of the court, on the production to 1315
~~him~~ the clerk of the sheriff's acknowledgment of the surrender, 1316
shall enter on the bond an exoneration of the ~~bail~~ surety. 1317

(B) As used in this section, "surety" has the same meaning 1318
as in section 2937.01 of the Revised Code. 1319

Sec. 2713.22. (A) For the purpose of surrendering the 1320
defendant, the ~~bail~~ surety may arrest ~~him~~ the defendant at any 1321
time or place before ~~he~~ the defendant is finally charged, or, by 1322
a written authority indorsed on a certified copy of the bond, 1323
may empower any person of suitable age and discretion to do so. 1324

(B) As used in this section, "surety" has the same meaning 1325
as in section 2937.01 of the Revised Code. 1326

Sec. 2713.23. (A) The ~~bail~~ surety shall be exonerated by 1327
the death of the defendant, ~~his~~ the defendant's imprisonment in 1328
a state prison, ~~his~~ the defendant's legal discharge from the 1329
obligation to render ~~himself~~ self amenable to the process of the 1330
court, or by ~~his~~ the defendant's surrender to the sheriff of the 1331
county in which ~~he~~ the defendant was arrested in the execution 1332
of such process, within the time fixed in section 2713.21 of the 1333
Revised Code, or within such further time as the court in which 1334
the action is pending allows. 1335

(B) As used in this section, "surety" has the same meaning 1336
as in section 2937.01 of the Revised Code. 1337

Sec. 2713.24. (A) If the defendant deposits money as 1338
provided by section 2713.09 of the Revised Code, on notice such 1339
as is required for giving and justifying it, ~~bail-surety~~ may be 1340
given and justified any time before judgment. Thereupon the 1341
court in which the action is brought, on being satisfied that 1342
~~bail-surety~~ has been given and adjudged sufficient, shall direct 1343
that the money deposited be refunded to the defendant, and it 1344
must be refunded accordingly. 1345

(B) As used in this section, "surety" has the same meaning 1346
as in section 2937.01 of the Revised Code. 1347

Sec. 2713.25. (A) Before or after judgment against the 1348
~~bail-surety~~, if an appeal is commenced on the judgment against 1349
the principal in the suit in which their bond was taken, on 1350
motion the court may stay proceedings against such ~~bail-surety~~ 1351
for a reasonable time, on their payment of all costs accrued 1352
against them. On such appeal, if the judgment against the 1353
principal is reversed, and ~~he-the principal~~ is discharged from 1354
such suit, the ~~bail-surety~~ must be discharged from the bond. 1355

(B) As used in this section, "surety" has the same meaning 1356
as in section 2937.01 of the Revised Code. 1357

Sec. 2713.26. (A) A defendant who is arrested, on motion, 1358
at any time before judgment in the action, may apply to the 1359
court in which suit is brought, if in session, and, in vacation, 1360
to a judge thereof, or to any judge of a court of record of the 1361
state, to vacate the order of arrest or to reduce the amount of 1362
the ~~bailmonetary bond~~. The court or judge shall allow ~~him-the~~ 1363
defendant such time for preparation and the hearing of the 1364

motion as is just. Reasonable notice of such motion must be 1365
given to the plaintiff. 1366

(B) As used in this section, "monetary bond" has the same 1367
meaning as in section 2937.01 of the Revised Code. 1368

Sec. 2715.25. (A) The court may make proper orders for the 1369
preservation of property attached during the pendency of a suit 1370
and direct a sale of it when, because of its perishable nature 1371
or the costs of its keeping, that will be for the benefit of the 1372
parties. The sale shall be public, after such advertisement as 1373
is prescribed for the sale of like property on execution, and 1374
shall be made in such manner and on such terms of credit, with 1375
security, as, having regard to the probable duration of the 1376
action, the court or judge directs. The sheriff shall hold and 1377
pay over all proceeds of the sale collected by ~~him~~ the sheriff 1378
and all money received by ~~him~~ the sheriff from garnishees under 1379
the same requirements and responsibilities of ~~himself~~ the 1380
sheriff and sureties as are provided in respect to money 1381
deposited ~~in lieu of bail~~ as bond. 1382

(B) As used in this section, "bond" has the same meaning 1383
as in section 2937.01 of the Revised Code. 1384

Sec. 2725.18. When the person brought before a judge under 1385
section 2725.12 of the Revised Code is confined or detained in a 1386
legal manner on a charge of having committed a crime or offense 1387
which is bailable, the judge may recommit ~~him~~ the person or let 1388
~~him~~ the person to bail. If such person is let to bail, the judge 1389
shall require ~~him~~ the person to enter into a recognizance, with 1390
sufficient surety, ~~in such which may include a sum as the judge~~ 1391
~~finds reasonable, after considering the circumstances of the~~ 1392
~~prisoner and the nature of the offense charged, and conditioned~~ 1393
~~for his appearance at the court where the offense is properly~~ 1394

~~recognizable~~ set pursuant to section 2937.015 of the Revised Code. 1395
The judge forthwith shall certify ~~his~~ the proceedings, together 1396
with any recognizance, to the proper court. If the person 1397
charged fails to give such recognizance, ~~he~~ the person shall be 1398
committed to prison by the judge. 1399

Sec. 2743.70. (A) (1) The court, in which any person is 1400
convicted of or pleads guilty to any offense other than a 1401
traffic offense that is not a moving violation, shall impose the 1402
following sum as costs in the case in addition to any other 1403
court costs that the court is required by law to impose upon the 1404
offender: 1405

(a) Thirty dollars, if the offense is a felony; 1406

(b) Nine dollars, if the offense is a misdemeanor. 1407

The court shall not waive the payment of the ~~thirty-~~ 1408
~~thirty-~~ or ~~nine-dollars-nine-dollar~~ court ~~costs~~ cost, unless the 1409
court determines that the offender is indigent and waives the 1410
payment of all court costs imposed upon the indigent offender. 1411
All such moneys shall be transmitted on the first business day 1412
of each month by the clerk of the court to the treasurer of 1413
state and deposited by the treasurer in the reparations fund. 1414

(2) The juvenile court in which a child is found to be a 1415
delinquent child or a juvenile traffic offender for an act 1416
which, if committed by an adult, would be an offense other than 1417
a traffic offense that is not a moving violation, shall impose 1418
the following sum as costs in the case in addition to any other 1419
court costs that the court is required or permitted by law to 1420
impose upon the delinquent child or juvenile traffic offender: 1421

(a) Thirty dollars, if the act, if committed by an adult, 1422
would be a felony; 1423

(b) Nine dollars, if the act, if committed by an adult, 1424
would be a misdemeanor. 1425

The ~~thirty-thirty-~~ or ~~nine dollars-nine-dollar~~ court ~~costs-~~ 1426
~~cost~~ shall be collected in all cases unless the court determines 1427
the juvenile is indigent and waives the payment of all court 1428
costs, or enters an order on its journal stating that it has 1429
determined that the juvenile is indigent, that no other court 1430
costs are to be taxed in the case, and that the payment of the 1431
~~thirty-thirty-~~ or ~~nine dollars-nine-dollar~~ court ~~costs-~~ ~~cost~~ is 1432
waived. All such moneys collected during a month shall be 1433
transmitted on or before the twentieth day of the following 1434
month by the clerk of the court to the treasurer of state and 1435
deposited by the treasurer in the reparations fund. 1436

(B) Whenever a person is charged with any offense other 1437
than a traffic offense that is not a moving violation and posts 1438
~~bail-a monetary bond pursuant to sections 2937.22 to 2937.46-~~ 1439
~~section 2937.014~~ of the Revised Code, Criminal Rule 46, or 1440
Traffic Rule 4, the court shall add to the amount of the ~~bail-~~ 1441
~~monetary bond~~ the thirty or nine dollars required to be paid by 1442
division (A)(1) of this section. The thirty or nine dollars 1443
shall be retained by the clerk of the court until the person is 1444
convicted, pleads guilty, forfeits bail, is found not guilty, or 1445
has the charges dismissed. If the person is convicted, pleads 1446
guilty, or forfeits bail, the clerk shall transmit the thirty or 1447
nine dollars to the treasurer of state, who shall deposit it in 1448
the reparations fund. If the person is found not guilty or the 1449
charges are dismissed, the clerk shall return the thirty or nine 1450
dollars to the person. 1451

(C) No person shall be placed or held in jail for failing 1452
to pay the additional ~~thirty-thirty-~~ or ~~nine dollars-nine-dollar~~ 1453

court ~~costs or bail that are~~ cost required to be paid by this section. 1454
1455

(D) As used in this section: 1456

(1) "Moving violation" means any violation of any statute 1457
or ordinance, other than section 4513.263 of the Revised Code or 1458
an ordinance that is substantially equivalent to that section, 1459
that regulates the operation of vehicles, streetcars, or 1460
trackless trolleys on highways or streets or that regulates size 1461
or load limitations or fitness requirements of vehicles. "Moving 1462
violation" does not include the violation of any statute or 1463
ordinance that regulates pedestrians or the parking of vehicles. 1464

(2) ~~"Bail" means cash, a check, a money order, a credit-~~ 1465
~~card, or any other form of money that is posted by or for an~~ 1466
~~offender pursuant to sections 2937.22 to 2937.46 of the Revised~~ 1467
~~Code, Criminal Rule 46, or Traffic Rule 4 to prevent the~~ 1468
~~offender from being placed or held in a detention facility, as~~ 1469
~~defined in section 2921.01 of the Revised Code~~ "Forfeits bail" 1470
and "monetary bond" have the same meanings as in section 2937.01 1471
of the Revised Code. 1472

Sec. 2746.02. (A) A court of record of this state shall 1473
tax as costs or otherwise require the payment of fees for the 1474
following services rendered, as compensation for the following 1475
persons, or as part of the sentence imposed by the court, or any 1476
other of the following fees that are applicable in a particular 1477
case: 1478

~~(A)~~ (1) In a felony case, financial sanctions, as provided 1479
in section 2929.18 of the Revised Code; 1480

~~(B)~~ (2) In any criminal case, the costs of prosecution, as 1481
provided in section 2947.23 of the Revised Code; 1482

(C) <u>(3)</u> In a misdemeanor case in which the offender is	1483
sentenced to a jail term, the local detention facility is	1484
covered by a policy adopted by the facility's governing	1485
authority requiring reimbursement for the costs of confinement,	1486
and the offender is presented with an itemized bill pursuant to	1487
section 2929.37 of the Revised Code for such costs, the costs of	1488
confinement, as provided in section 2929.24 of the Revised Code;	1489
(D) <u>(4)</u> In a case in which an offender is sentenced for	1490
endangering children in violation of section 2919.22 of the	1491
Revised Code, the costs of the offender's supervised community	1492
service work, as provided in section 2919.22 of the Revised	1493
Code;	1494
(E) <u>(5)</u> In a case in which a defendant is charged with any	1495
of certain sexual assault or prostitution-related offenses and	1496
is found to be suffering from a venereal disease in an	1497
infectious stage, the cost of medical treatment, as provided in	1498
section 2907.27 of the Revised Code;	1499
(F) <u>(6)</u> In a case in which a defendant is charged with	1500
harassment with a bodily substance, the cost of medical testing,	1501
as provided in section 2921.38 of the Revised Code;	1502
(G) <u>(7)</u> In a case in which a defendant is charged with	1503
violating a protection order in violation of section 2919.27 of	1504
the Revised Code or of a municipal ordinance that is	1505
substantially similar to that section, the costs of any	1506
evaluation and preceding examination of the defendant, as	1507
provided in section 2919.271 of the Revised Code;	1508
(H) <u>(8)</u> Presentence psychological or psychiatric reports,	1509
as provided in section 2947.06 of the Revised Code;	1510
(I) <u>(9)</u> In a criminal proceeding, the taking of a	1511

deposition of a person who is imprisoned in a detention facility 1512
or state correctional institution within this state or who is in 1513
the custody of the department of youth services, as provided in 1514
section 2945.47 of the Revised Code; 1515

~~(J)~~ (10) In a case in which a person is convicted of or 1516
pleads guilty to any offense other than a parking violation or 1517
in which a child is found to be a delinquent child or a juvenile 1518
traffic offender for an act that, if committed by an adult, 1519
would be an offense other than a parking violation, additional 1520
costs and ~~bail~~ monetary bond, if applicable, as provided in 1521
sections 2743.70 and 2949.091 of the Revised Code, but subject 1522
to waiver as provided in section 2949.092 of the Revised Code; 1523

~~(K)~~ (11) In a case in which a person is convicted of or 1524
pleads guilty to a moving violation or in which a child is found 1525
to be a juvenile traffic offender for an act which, if committed 1526
by an adult, would be a moving violation, additional costs and 1527
~~bail~~ monetary bond, if applicable, as provided in sections 1528
2949.093 and 2949.094 of the Revised Code, but subject to waiver 1529
as provided in section 2949.092 of the Revised Code; 1530

~~(L)~~ (12) In a case in which a defendant is convicted of 1531
abandoning a junk vessel or outboard motor without notifying the 1532
appropriate law enforcement officer, the cost incurred by the 1533
state or a political subdivision in disposing of the vessel or 1534
motor, as provided in section 1547.99 of the Revised Code; 1535

~~(M)~~ (13) The costs of electronic monitoring in the 1536
following cases: 1537

~~(1)~~ (a) In a misdemeanor case in which the offender is 1538
convicted of any of certain prostitution-related offenses and a 1539
specification under section 2941.1421 of the Revised Code, as 1540

provided in section 2929.24 of the Revised Code; 1541

~~(2)~~ (b) In a case in which the court issues a criminal 1542
protection order against a minor upon a petition alleging that 1543
the respondent committed any of certain assault, menacing, or 1544
trespass offenses, a sexually oriented offense, or an offense 1545
under a municipal ordinance that is substantially equivalent to 1546
any of those offenses, as provided in section 2151.34 of the 1547
Revised Code; 1548

~~(3)~~ (c) In a case in which the court issues a protection 1549
order against an adult upon a petition alleging that the 1550
respondent committed menacing by stalking or a sexually oriented 1551
offense, as provided in section 2903.214 of the Revised Code; 1552

~~(4)~~ (d) In a case in which an offender is convicted of 1553
violating a protection order, as provided in section 2919.27 of 1554
the Revised Code; 1555

~~(5)~~ (e) In a case in which the offender is convicted of 1556
any sexually oriented offense and is a tier III sex 1557
offender/child-victim offender relative to that offense, as 1558
provided in section 2929.13 of the Revised Code. 1559

~~(N)~~ (14) In a proceeding for post-conviction relief, a 1560
transcript, as provided in section 2953.21 of the Revised Code; 1561

~~(O)~~ (15) In a proceeding for the sealing of a conviction 1562
record, the fees provided for in section 2953.32 of the Revised 1563
Code. 1564

(B) As used in this section, "monetary bond" has the same 1565
meaning as in section 2937.01 of the Revised Code. 1566

Sec. 2907.41. (A) Subject to division (D) of this section, 1567
a person who is charged with the commission of any sexually 1568

oriented offense or with a violation of section 2907.09 of the Revised Code shall appear before the court for the setting of bail if the person charged previously was convicted of or pleaded guilty to a sexually oriented offense, a violation of section 2907.09 of the Revised Code, or a violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to section 2907.09 of the Revised Code.

(B) To the extent that information about any of the following is available to the court, the court, in addition to any other circumstances considered by the court and notwithstanding any provisions to the contrary contained in Criminal Rule 46, shall consider all of the following before setting bail for a person who appears before the court pursuant to division (A) of this section:

(1) Whether the person previously has been adjudicated a sexual predator or child-victim predator pursuant to Chapter 2950. of the Revised Code, previously has been determined to be a habitual sex offender or habitual child-victim offender pursuant to that ~~Chapter~~chapter, has a history of committing sexually oriented offenses or child-victim oriented offenses, or has a history of committing violations of section 2907.09 of the Revised Code or violations of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially similar to that section;

(2) The mental health of the person;

(3) Whether the person has a history of violating the orders of any court or governmental entity;

(4) Whether the person is potentially a threat to any

other person; 1598

(5) Whether the person has access to deadly weapons or a 1599
history of using deadly weapons; 1600

(6) Whether the person has a history of abusing alcohol or 1601
any controlled substance; 1602

(7) The severity of the alleged conduct of the person that 1603
is the basis of the offense, including but not limited to, the 1604
duration of the alleged conduct, and whether the alleged conduct 1605
involved physical injury, assault, violence, or forcible entry 1606
to gain access to an alleged victim; 1607

(8) Whether the person has exhibited obsessive or 1608
controlling behaviors toward another person, including, but not 1609
limited to, stalking, surveillance, or isolation of another 1610
person; 1611

(9) Whether the person has expressed suicidal or homicidal 1612
ideations; 1613

(10) Any information contained in the complaint and any 1614
police reports, affidavits, or other documents accompanying the 1615
complaint. 1616

(C) Any court that has jurisdiction over charges alleging 1617
the commission of a sexually oriented offense or a violation of 1618
section 2907.09 of the Revised Code, in circumstances in which 1619
the person charged previously was convicted of or pleaded guilty 1620
to any of the offenses or violations described in division (A) 1621
of this section, may set a schedule for bail to be used in cases 1622
involving those offenses and violations. The schedule shall 1623
require that a judge consider all of the factors listed in 1624
division (B) of this section and may require judges to set bail 1625
at a certain level if the history of the alleged offender or the 1626

circumstances of the alleged offense meet certain criteria in 1627
the schedule. 1628

(D) (1) Upon the court's own motion or the motion of a 1629
party and upon any terms that the court may direct, a court may 1630
permit a person who is required to appear before it by division 1631
(A) of this section to appear by video conferencing equipment. 1632

(2) If, in the opinion of the court, the appearance in 1633
person or by video conferencing equipment of a person who is 1634
charged with a misdemeanor and who is required to appear before 1635
the court by division (A) of this section is not practicable, 1636
the court may waive the appearance and release the person on 1637
bail in accordance with the court's schedule for bail set under 1638
division (C) of this section or, if the court has not set a 1639
schedule for bail under that division, on one or both of the 1640
following types of bail in an amount set by the court after 1641
conducting an ability to pay inquiry as described in section 1642
2937.015 of the Revised Code: 1643

(a) A bail bond secured by a deposit of ten per cent of 1644
the amount of the bond in cash; 1645

(b) A surety bond, a bond secured by real estate or 1646
securities as allowed by law, or the deposit of cash, at the 1647
option of the person. 1648

(3) Division (A) of this section does not create a right 1649
in a person to appear before the court for the setting of bail 1650
or prohibit a court from requiring any person charged with a 1651
sexually oriented offense or a violation of section 2907.09 of 1652
the Revised Code who is not described in that division from 1653
appearing before the court for the setting of bail. 1654

(E) As used in this section, ~~"child-victim-oriented"~~ 1655

offense," : 1656

(1) "Bail," "bond," and "surety bond" have the same 1657
meanings as in section 2937.01 of the Revised Code. 1658

(2) "Child-victim oriented offense," "child-victim 1659
predator," "habitual child-victim offender," "habitual sex 1660
offender," "sexually oriented offense," and "sexual predator" 1661
have the same meanings as in section 2950.01 of the Revised 1662
Code. 1663

Sec. 2919.251. (A) Subject to division (D) of this 1664
section, a person who is charged with the commission of any 1665
offense of violence shall appear before the court for the 1666
setting of bail if the alleged victim of the offense charged was 1667
a family or household member at the time of the offense and if 1668
any of the following applies: 1669

(1) The person charged, at the time of the alleged 1670
offense, was subject to the terms of a protection order issued 1671
or consent agreement approved pursuant to section 2919.26 or 1672
3113.31 of the Revised Code or previously was convicted of or 1673
pleaded guilty to a violation of section 2919.25 of the Revised 1674
Code or a violation of section 2919.27 of the Revised Code 1675
involving a protection order or consent agreement of that type, 1676
a violation of an existing or former municipal ordinance or law 1677
of this or any other state or the United States that is 1678
substantially similar to either section, a violation of section 1679
2909.06, 2909.07, 2911.12, or 2911.211 of the Revised Code if 1680
the victim of the violation was a family or household member at 1681
the time of the violation, a violation of an existing or former 1682
municipal ordinance or law of this or any other state or the 1683
United States that is substantially similar to any of those 1684
sections if the victim of the violation was a family or 1685

household member at the time of the commission of the violation, 1686
or any offense of violence if the victim of the offense was a 1687
family or household member at the time of the offense; 1688

(2) The arresting officer indicates in a police report or 1689
other document accompanying the complaint any of the following: 1690

(a) That the arresting officer observed on the alleged 1691
victim objective manifestations of physical harm that the 1692
arresting officer reasonably believes are a result of the 1693
alleged offense; 1694

(b) That the arresting officer reasonably believes that 1695
the person had on the person's person at the time of the alleged 1696
offense a deadly weapon or dangerous ordnance; 1697

(c) That the arresting officer reasonably believes that 1698
the person presents a credible threat of serious physical harm 1699
to the alleged victim or to any other person if released on bail 1700
before trial. 1701

(B) To the extent that information about any of the 1702
following is available to the court, the court shall consider 1703
all of the following, in addition to any other circumstances 1704
considered by the court and notwithstanding any provisions to 1705
the contrary contained in Criminal Rule 46, before setting bail 1706
for a person who appears before the court pursuant to division 1707
(A) of this section: 1708

(1) Whether the person has a history of domestic violence 1709
or a history of other violent acts; 1710

(2) The mental health of the person; 1711

(3) Whether the person has a history of violating the 1712
orders of any court or governmental entity; 1713

(4) Whether the person is potentially a threat to any other person;	1714 1715
(5) Whether the person has access to deadly weapons or a history of using deadly weapons;	1716 1717
(6) Whether the person has a history of abusing alcohol or any controlled substance;	1718 1719
(7) The severity of the alleged violence that is the basis of the offense, including but not limited to, the duration of the alleged violent incident, and whether the alleged violent incident involved serious physical injury, sexual assault, strangulation, abuse during the alleged victim's pregnancy, abuse of pets, or forcible entry to gain access to the alleged victim;	1720 1721 1722 1723 1724 1725 1726
(8) Whether a separation of the person from the alleged victim or a termination of the relationship between the person and the alleged victim has recently occurred or is pending;	1727 1728 1729
(9) Whether the person has exhibited obsessive or controlling behaviors toward the alleged victim, including but not limited to, stalking, surveillance, or isolation of the alleged victim;	1730 1731 1732 1733
(10) Whether the person has expressed suicidal or homicidal ideations;	1734 1735
(11) Any information contained in the complaint and any police reports, affidavits, or other documents accompanying the complaint.	1736 1737 1738
(C) Any court that has jurisdiction over charges alleging the commission of an offense of violence in circumstances in which the alleged victim of the offense was a family or	1739 1740 1741

household member at the time of the offense may set a schedule 1742
for bail to be used in cases involving those offenses. The 1743
schedule shall require that a judge consider all of the factors 1744
listed in division (B) of this section and may require judges to 1745
set bail at a certain level if the history of the alleged 1746
offender or the circumstances of the alleged offense meet 1747
certain criteria in the schedule. 1748

(D) (1) Upon the court's own motion or the motion of a 1749
party and upon any terms that the court may direct, a court may 1750
permit a person who is required to appear before it by division 1751
(A) of this section to appear by video conferencing equipment. 1752

(2) If in the opinion of the court the appearance in 1753
person or by video conferencing equipment of a person who is 1754
charged with a misdemeanor and who is required to appear before 1755
the court by division (A) of this section is not practicable, 1756
the court may waive the appearance and release the person on 1757
bail in accordance with the court's schedule for bail set under 1758
division (C) of this section or, if the court has not set a 1759
schedule for bail under that division, on one or both of the 1760
following types of bail in an amount set by the court after 1761
conducting an ability to pay inquiry as described in section 1762
2937.015 of the Revised Code: 1763

(a) A bail bond secured by a deposit of ten per cent of 1764
the amount of the bond in cash; 1765

(b) A surety bond, a bond secured by real estate or 1766
securities as allowed by law, or the deposit of cash, at the 1767
option of the person. 1768

(3) Division (A) of this section does not create a right 1769
in a person to appear before the court for the setting of bail 1770

or prohibit a court from requiring any person charged with an offense of violence who is not described in that division from appearing before the court for the setting of bail.

(E) As used in this section:

(1) "Bail," "bond," and "surety bond" have the same meanings as in section 2937.01 of the Revised Code.

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

~~(2)~~ (3) "Dangerous ordnance" and "deadly weapon" have the same meanings as in section 2923.11 of the Revised Code.

Sec. 2925.01. As used in this chapter:

(A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

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

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

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

(1) For any compound, mixture, preparation, or substance

included in schedule I, schedule II, or schedule III, with the 1798
exception of any controlled substance analog, marihuana, 1799
cocaine, L.S.D., heroin, any fentanyl-related compound, and 1800
hashish and except as provided in division (D) (2), (5), or (6) 1801
of this section, whichever of the following is applicable: 1802

(a) An amount equal to or exceeding ten grams or twenty- 1803
five unit doses of a compound, mixture, preparation, or 1804
substance that is or contains any amount of a schedule I opiate 1805
or opium derivative; 1806

(b) An amount equal to or exceeding ten grams of a 1807
compound, mixture, preparation, or substance that is or contains 1808
any amount of raw or gum opium; 1809

(c) An amount equal to or exceeding thirty grams or ten 1810
unit doses of a compound, mixture, preparation, or substance 1811
that is or contains any amount of a schedule I hallucinogen 1812
other than tetrahydrocannabinol or lysergic acid amide, or a 1813
schedule I stimulant or depressant; 1814

(d) An amount equal to or exceeding twenty grams or five 1815
times the maximum daily dose in the usual dose range specified 1816
in a standard pharmaceutical reference manual of a compound, 1817
mixture, preparation, or substance that is or contains any 1818
amount of a schedule II opiate or opium derivative; 1819

(e) An amount equal to or exceeding five grams or ten unit 1820
doses of a compound, mixture, preparation, or substance that is 1821
or contains any amount of phencyclidine; 1822

(f) An amount equal to or exceeding one hundred twenty 1823
grams or thirty times the maximum daily dose in the usual dose 1824
range specified in a standard pharmaceutical reference manual of 1825
a compound, mixture, preparation, or substance that is or 1826

contains any amount of a schedule II stimulant that is in a 1827
final dosage form manufactured by a person authorized by the 1828
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 1829
U.S.C.A. 301, as amended, and the federal drug abuse control 1830
laws, as defined in section 3719.01 of the Revised Code, that is 1831
or contains any amount of a schedule II depressant substance or 1832
a schedule II hallucinogenic substance; 1833

(g) An amount equal to or exceeding three grams of a 1834
compound, mixture, preparation, or substance that is or contains 1835
any amount of a schedule II stimulant, or any of its salts or 1836
isomers, that is not in a final dosage form manufactured by a 1837
person authorized by the Federal Food, Drug, and Cosmetic Act 1838
and the federal drug abuse control laws. 1839

(2) An amount equal to or exceeding one hundred twenty 1840
grams or thirty times the maximum daily dose in the usual dose 1841
range specified in a standard pharmaceutical reference manual of 1842
a compound, mixture, preparation, or substance that is or 1843
contains any amount of a schedule III or IV substance other than 1844
an anabolic steroid or a schedule III opiate or opium 1845
derivative; 1846

(3) An amount equal to or exceeding twenty grams or five 1847
times the maximum daily dose in the usual dose range specified 1848
in a standard pharmaceutical reference manual of a compound, 1849
mixture, preparation, or substance that is or contains any 1850
amount of a schedule III opiate or opium derivative; 1851

(4) An amount equal to or exceeding two hundred fifty 1852
milliliters or two hundred fifty grams of a compound, mixture, 1853
preparation, or substance that is or contains any amount of a 1854
schedule V substance; 1855

(5) An amount equal to or exceeding two hundred solid 1856
dosage units, sixteen grams, or sixteen milliliters of a 1857
compound, mixture, preparation, or substance that is or contains 1858
any amount of a schedule III anabolic steroid; 1859

(6) For any compound, mixture, preparation, or substance 1860
that is a combination of a fentanyl-related compound and any 1861
other compound, mixture, preparation, or substance included in 1862
schedule III, schedule IV, or schedule V, if the defendant is 1863
charged with a violation of section 2925.11 of the Revised Code 1864
and the sentencing provisions set forth in divisions (C) (10) (b) 1865
and (C) (11) of that section will not apply regarding the 1866
defendant and the violation, the bulk amount of the controlled 1867
substance for purposes of the violation is the amount specified 1868
in division (D) (1), (2), (3), (4), or (5) of this section for 1869
the other schedule III, IV, or V controlled substance that is 1870
combined with the fentanyl-related compound. 1871

(E) "Unit dose" means an amount or unit of a compound, 1872
mixture, or preparation containing a controlled substance that 1873
is separately identifiable and in a form that indicates that it 1874
is the amount or unit by which the controlled substance is 1875
separately administered to or taken by an individual. 1876

(F) "Cultivate" includes planting, watering, fertilizing, 1877
or tilling. 1878

(G) "Drug abuse offense" means any of the following: 1879

(1) A violation of division (A) of section 2913.02 that 1880
constitutes theft of drugs, or a violation of section 2925.02, 1881
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 1882
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 1883
or 2925.37 of the Revised Code; 1884

(2) A violation of an existing or former law of this or 1885
any other state or of the United States that is substantially 1886
equivalent to any section listed in division (G) (1) of this 1887
section; 1888

(3) An offense under an existing or former law of this or 1889
any other state, or of the United States, of which planting, 1890
cultivating, harvesting, processing, making, manufacturing, 1891
producing, shipping, transporting, delivering, acquiring, 1892
possessing, storing, distributing, dispensing, selling, inducing 1893
another to use, administering to another, using, or otherwise 1894
dealing with a controlled substance is an element; 1895

(4) A conspiracy to commit, attempt to commit, or 1896
complicity in committing or attempting to commit any offense 1897
under division (G) (1), (2), or (3) of this section. 1898

(H) "Felony drug abuse offense" means any drug abuse 1899
offense that would constitute a felony under the laws of this 1900
state, any other state, or the United States. 1901

(I) "Harmful intoxicant" does not include beer or 1902
intoxicating liquor but means any of the following: 1903

(1) Any compound, mixture, preparation, or substance the 1904
gas, fumes, or vapor of which when inhaled can induce 1905
intoxication, excitement, giddiness, irrational behavior, 1906
depression, stupefaction, paralysis, unconsciousness, 1907
asphyxiation, or other harmful physiological effects, and 1908
includes, but is not limited to, any of the following: 1909

(a) Any volatile organic solvent, plastic cement, model 1910
cement, fingernail polish remover, lacquer thinner, cleaning 1911
fluid, gasoline, or other preparation containing a volatile 1912
organic solvent; 1913

(b) Any aerosol propellant;	1914
(c) Any fluorocarbon refrigerant;	1915
(d) Any anesthetic gas.	1916
(2) Gamma Butyrolactone;	1917
(3) 1,4 Butanediol.	1918
(J) "Manufacture" means to plant, cultivate, harvest,	1919
process, make, prepare, or otherwise engage in any part of the	1920
production of a drug, by propagation, extraction, chemical	1921
synthesis, or compounding, or any combination of the same, and	1922
includes packaging, repackaging, labeling, and other activities	1923
incident to production.	1924
(K) "Possess" or "possession" means having control over a	1925
thing or substance, but may not be inferred solely from mere	1926
access to the thing or substance through ownership or occupation	1927
of the premises upon which the thing or substance is found.	1928
(L) "Sample drug" means a drug or pharmaceutical	1929
preparation that would be hazardous to health or safety if used	1930
without the supervision of a licensed health professional	1931
authorized to prescribe drugs, or a drug of abuse, and that, at	1932
one time, had been placed in a container plainly marked as a	1933
sample by a manufacturer.	1934
(M) "Standard pharmaceutical reference manual" means the	1935
current edition, with cumulative changes if any, of references	1936
that are approved by the state board of pharmacy.	1937
(N) "Juvenile" means a person under eighteen years of age.	1938
(O) "Counterfeit controlled substance" means any of the	1939
following:	1940

(1) Any drug that bears, or whose container or label	1941
bears, a trademark, trade name, or other identifying mark used	1942
without authorization of the owner of rights to that trademark,	1943
trade name, or identifying mark;	1944
(2) Any unmarked or unlabeled substance that is	1945
represented to be a controlled substance manufactured,	1946
processed, packed, or distributed by a person other than the	1947
person that manufactured, processed, packed, or distributed it;	1948
(3) Any substance that is represented to be a controlled	1949
substance but is not a controlled substance or is a different	1950
controlled substance;	1951
(4) Any substance other than a controlled substance that a	1952
reasonable person would believe to be a controlled substance	1953
because of its similarity in shape, size, and color, or its	1954
markings, labeling, packaging, distribution, or the price for	1955
which it is sold or offered for sale.	1956
(P) An offense is "committed in the vicinity of a school"	1957
if the offender commits the offense on school premises, in a	1958
school building, or within one thousand feet of the boundaries	1959
of any school premises, regardless of whether the offender knows	1960
the offense is being committed on school premises, in a school	1961
building, or within one thousand feet of the boundaries of any	1962
school premises.	1963
(Q) "School" means any school operated by a board of	1964
education, any community school established under Chapter 3314.	1965
of the Revised Code, or any nonpublic school for which the state	1966
board of education prescribes minimum standards under section	1967
3301.07 of the Revised Code, whether or not any instruction,	1968
extracurricular activities, or training provided by the school	1969

is being conducted at the time a criminal offense is committed. 1970

(R) "School premises" means either of the following: 1971

(1) The parcel of real property on which any school is 1972
situated, whether or not any instruction, extracurricular 1973
activities, or training provided by the school is being 1974
conducted on the premises at the time a criminal offense is 1975
committed; 1976

(2) Any other parcel of real property that is owned or 1977
leased by a board of education of a school, the governing 1978
authority of a community school established under Chapter 3314. 1979
of the Revised Code, or the governing body of a nonpublic school 1980
for which the state board of education prescribes minimum 1981
standards under section 3301.07 of the Revised Code and on which 1982
some of the instruction, extracurricular activities, or training 1983
of the school is conducted, whether or not any instruction, 1984
extracurricular activities, or training provided by the school 1985
is being conducted on the parcel of real property at the time a 1986
criminal offense is committed. 1987

(S) "School building" means any building in which any of 1988
the instruction, extracurricular activities, or training 1989
provided by a school is conducted, whether or not any 1990
instruction, extracurricular activities, or training provided by 1991
the school is being conducted in the school building at the time 1992
a criminal offense is committed. 1993

(T) "Disciplinary counsel" means the disciplinary counsel 1994
appointed by the board of commissioners on grievances and 1995
discipline of the supreme court under the Rules for the 1996
Government of the Bar of Ohio. 1997

(U) "Certified grievance committee" means a duly 1998

constituted and organized committee of the Ohio state bar 1999
association or of one or more local bar associations of the 2000
state of Ohio that complies with the criteria set forth in Rule 2001
V, section 6 of the Rules for the Government of the Bar of Ohio. 2002

(V) "Professional license" means any license, permit, 2003
certificate, registration, qualification, admission, temporary 2004
license, temporary permit, temporary certificate, or temporary 2005
registration that is described in divisions (W) (1) to (37) of 2006
this section and that qualifies a person as a professionally 2007
licensed person. 2008

(W) "Professionally licensed person" means any of the 2009
following: 2010

(1) A person who has received a certificate or temporary 2011
certificate as a certified public accountant or who has 2012
registered as a public accountant under Chapter 4701. of the 2013
Revised Code and who holds an Ohio permit issued under that 2014
chapter; 2015

(2) A person who holds a certificate of qualification to 2016
practice architecture issued or renewed and registered under 2017
Chapter 4703. of the Revised Code; 2018

(3) A person who is registered as a landscape architect 2019
under Chapter 4703. of the Revised Code or who holds a permit as 2020
a landscape architect issued under that chapter; 2021

(4) A person licensed under Chapter 4707. of the Revised 2022
Code; 2023

(5) A person who has been issued a certificate of 2024
registration as a registered barber under Chapter 4709. of the 2025
Revised Code; 2026

(6) A person licensed and regulated to engage in the 2027
business of a debt pooling company by a legislative authority, 2028
under authority of Chapter 4710. of the Revised Code; 2029

(7) A person who has been issued a cosmetologist's 2030
license, hair designer's license, manicurist's license, 2031
esthetician's license, natural hair stylist's license, advanced 2032
cosmetologist's license, advanced hair designer's license, 2033
advanced manicurist's license, advanced esthetician's license, 2034
advanced natural hair stylist's license, cosmetology 2035
instructor's license, hair design instructor's license, 2036
manicurist instructor's license, esthetics instructor's license, 2037
natural hair style instructor's license, independent 2038
contractor's license, or tanning facility permit under Chapter 2039
4713. of the Revised Code; 2040

(8) A person who has been issued a license to practice 2041
dentistry, a general anesthesia permit, a conscious sedation 2042
permit, a limited resident's license, a limited teaching 2043
license, a dental hygienist's license, or a dental hygienist's 2044
teacher's certificate under Chapter 4715. of the Revised Code; 2045

(9) A person who has been issued an embalmer's license, a 2046
funeral director's license, a funeral home license, or a 2047
crematory license, or who has been registered for an embalmer's 2048
or funeral director's apprenticeship under Chapter 4717. of the 2049
Revised Code; 2050

(10) A person who has been licensed as a registered nurse 2051
or practical nurse, or who has been issued a certificate for the 2052
practice of nurse-midwifery under Chapter 4723. of the Revised 2053
Code; 2054

(11) A person who has been licensed to practice optometry 2055

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	2056 2057
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	2058 2059
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	2060 2061
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	2062 2063 2064 2065
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	2066 2067 2068 2069 2070
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	2071 2072
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	2073 2074 2075 2076 2077
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	2078 2079
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	2080 2081 2082
(20) A person who has been issued a license to practice	2083

chiropractic under Chapter 4734. of the Revised Code;	2084
(21) A person licensed to act as a real estate broker or	2085
real estate salesperson under Chapter 4735. of the Revised Code;	2086
(22) A person registered as a registered environmental	2087
health specialist under Chapter 4736. of the Revised Code;	2088
(23) A person licensed to operate or maintain a junkyard	2089
under Chapter 4737. of the Revised Code;	2090
(24) A person who has been issued a motor vehicle salvage	2091
dealer's license under Chapter 4738. of the Revised Code;	2092
(25) A person who has been licensed to act as a steam	2093
engineer under Chapter 4739. of the Revised Code;	2094
(26) A person who has been issued a license or temporary	2095
permit to practice veterinary medicine or any of its branches,	2096
or who is registered as a graduate animal technician under	2097
Chapter 4741. of the Revised Code;	2098
(27) A person who has been issued a hearing aid dealer's	2099
or fitter's license or trainee permit under Chapter 4747. of the	2100
Revised Code;	2101
(28) A person who has been issued a class A, class B, or	2102
class C license or who has been registered as an investigator or	2103
security guard employee under Chapter 4749. of the Revised Code;	2104
(29) A person licensed to practice as a nursing home	2105
administrator under Chapter 4751. of the Revised Code;	2106
(30) A person licensed to practice as a speech-language	2107
pathologist or audiologist under Chapter 4753. of the Revised	2108
Code;	2109
(31) A person issued a license as an occupational	2110

therapist or physical therapist under Chapter 4755. of the Revised Code;	2111 2112
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	2113 2114 2115 2116 2117 2118
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	2119 2120
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	2121 2122 2123
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	2124 2125
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	2126 2127
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	2128 2129 2130
(X) "Cocaine" means any of the following:	2131
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	2132 2133
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	2134 2135 2136 2137

(3) A salt, compound, derivative, or preparation of a 2138
substance identified in division (X) (1) or (2) of this section 2139
that is chemically equivalent to or identical with any of those 2140
substances, except that the substances shall not include 2141
decocainized coca leaves or extraction of coca leaves if the 2142
extractions do not contain cocaine or ecgonine. 2143

(Y) "L.S.D." means lysergic acid diethylamide. 2144

(Z) "Hashish" means a resin or a preparation of a resin to 2145
which both of the following apply: 2146

(1) It is contained in or derived from any part of the 2147
plant of the genus cannabis, whether in solid form or in a 2148
liquid concentrate, liquid extract, or liquid distillate form. 2149

(2) It has a delta-9 tetrahydrocannabinol concentration of 2150
more than three-tenths per cent. 2151

"Hashish" does not include a hemp byproduct in the 2152
possession of a licensed hemp processor under Chapter 928. of 2153
the Revised Code, provided that the hemp byproduct is being 2154
produced, stored, and disposed of in accordance with rules 2155
adopted under section 928.03 of the Revised Code. 2156

(AA) "Marihuana" has the same meaning as in section 2157
3719.01 of the Revised Code, except that it does not include 2158
hashish. 2159

(BB) An offense is "committed in the vicinity of a 2160
juvenile" if the offender commits the offense within one hundred 2161
feet of a juvenile or within the view of a juvenile, regardless 2162
of whether the offender knows the age of the juvenile, whether 2163
the offender knows the offense is being committed within one 2164
hundred feet of or within view of the juvenile, or whether the 2165
juvenile actually views the commission of the offense. 2166

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

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

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

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

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

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

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	2195
(KK) "Fentanyl-related compound" means any of the following:	2196
	2197
(1) Fentanyl;	2198
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	2199
	2200
	2201
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	2202
	2203
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	2204
	2205
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	2206
	2207
	2208
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	2209
	2210
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	2211
	2212
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	2213
	2214
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	2215
	2216
(10) Alfentanil;	2217
(11) Carfentanil;	2218
(12) Remifentanil;	2219
(13) Sufentanil;	2220

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 2221
2222
- (15) Any compound that meets all of the following fentanyl 2223
pharmacophore requirements to bind at the mu receptor, as 2224
identified by a report from an established forensic laboratory, 2225
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 2226
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 2227
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 2228
fluorofentanyl: 2229
- (a) A chemical scaffold consisting of both of the 2230
following: 2231
- (i) A five, six, or seven member ring structure containing 2232
a nitrogen, whether or not further substituted; 2233
- (ii) An attached nitrogen to the ring, whether or not that 2234
nitrogen is enclosed in a ring structure, including an attached 2235
aromatic ring or other lipophilic group to that nitrogen. 2236
- (b) A polar functional group attached to the chemical 2237
scaffold, including but not limited to a hydroxyl, ketone, 2238
amide, or ester; 2239
- (c) An alkyl or aryl substitution off the ring nitrogen of 2240
the chemical scaffold; and 2241
- (d) The compound has not been approved for medical use by 2242
the United States food and drug administration. 2243
- (LL) "First degree felony mandatory prison term" means one 2244
of the definite prison terms prescribed in division (A) (1) (b) of 2245
section 2929.14 of the Revised Code for a felony of the first 2246
degree, except that if the violation for which sentence is being 2247
imposed is committed on or after March 22, 2019, it means one of 2248

the minimum prison terms prescribed in division (A) (1) (a) of 2249
that section for a felony of the first degree. 2250

(MM) "Second degree felony mandatory prison term" means 2251
one of the definite prison terms prescribed in division (A) (2) 2252
(b) of section 2929.14 of the Revised Code for a felony of the 2253
second degree, except that if the violation for which sentence 2254
is being imposed is committed on or after March 22, 2019, it 2255
means one of the minimum prison terms prescribed in division (A) 2256
(2) (a) of that section for a felony of the second degree. 2257

(NN) "Maximum first degree felony mandatory prison term" 2258
means the maximum definite prison term prescribed in division 2259
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 2260
the first degree, except that if the violation for which 2261
sentence is being imposed is committed on or after March 22, 2262
2019, it means the longest minimum prison term prescribed in 2263
division (A) (1) (a) of that section for a felony of the first 2264
degree. 2265

(OO) "Maximum second degree felony mandatory prison term" 2266
means the maximum definite prison term prescribed in division 2267
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 2268
the second degree, except that if the violation for which 2269
sentence is being imposed is committed on or after March 22, 2270
2019, it means the longest minimum prison term prescribed in 2271
division (A) (2) (a) of that section for a felony of the second 2272
degree. 2273

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 2274
as in section 928.01 of the Revised Code. 2275

(QQ) "Bail," "forfeited bail," and "monetary bond" have 2276
the same meanings as in section 2937.01 of the Revised Code. 2277

Sec. 2925.02. (A) No person shall knowingly do any of the	2278
following:	2279
(1) By force, threat, or deception, administer to another	2280
or induce or cause another to use a controlled substance;	2281
(2) By any means, administer or furnish to another or	2282
induce or cause another to use a controlled substance with	2283
purpose to cause serious physical harm to the other person, or	2284
with purpose to cause the other person to become drug dependent;	2285
(3) By any means, administer or furnish to another or	2286
induce or cause another to use a controlled substance, and	2287
thereby cause serious physical harm to the other person, or	2288
cause the other person to become drug dependent;	2289
(4) By any means, do any of the following:	2290
(a) Furnish or administer a controlled substance to a	2291
juvenile who is at least two years the offender's junior, when	2292
the offender knows the age of the juvenile or is reckless in	2293
that regard;	2294
(b) Induce or cause a juvenile who is at least two years	2295
the offender's junior to use a controlled substance, when the	2296
offender knows the age of the juvenile or is reckless in that	2297
regard;	2298
(c) Induce or cause a juvenile who is at least two years	2299
the offender's junior to commit a felony drug abuse offense,	2300
when the offender knows the age of the juvenile or is reckless	2301
in that regard;	2302
(d) Use a juvenile, whether or not the offender knows the	2303
age of the juvenile, to perform any surveillance activity that	2304
is intended to prevent the detection of the offender or any	2305

other person in the commission of a felony drug abuse offense or 2306
to prevent the arrest of the offender or any other person for 2307
the commission of a felony drug abuse offense. 2308

(5) By any means, furnish or administer a controlled 2309
substance to a pregnant woman or induce or cause a pregnant 2310
woman to use a controlled substance, when the offender knows 2311
that the woman is pregnant or is reckless in that regard. 2312

(B) Division (A) (1), (3), (4), or (5) of this section does 2313
not apply to manufacturers, wholesalers, licensed health 2314
professionals authorized to prescribe drugs, pharmacists, owners 2315
of pharmacies, and other persons whose conduct is in accordance 2316
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2317
4741. of the Revised Code. 2318

(C) Whoever violates this section is guilty of corrupting 2319
another with drugs. The penalty for the offense shall be 2320
determined as follows: 2321

(1) If the offense is a violation of division (A) (1), (2), 2322
(3), or (4) of this section and the drug involved is any 2323
compound, mixture, preparation, or substance included in 2324
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 2325
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 2326
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 2327
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 2328
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 2329
offender shall be punished as follows: 2330

(a) Except as otherwise provided in division (C) (1) (b) of 2331
this section, corrupting another with drugs committed in those 2332
circumstances is a felony of the second degree and, subject to 2333
division (E) of this section, the court shall impose as a 2334

mandatory prison term a second degree felony mandatory prison 2335
term. 2336

(b) If the offense was committed in the vicinity of a 2337
school, corrupting another with drugs committed in those 2338
circumstances is a felony of the first degree, and, subject to 2339
division (E) of this section, the court shall impose as a 2340
mandatory prison term a first degree felony mandatory prison 2341
term. 2342

(2) If the offense is a violation of division (A) (1), (2), 2343
(3), or (4) of this section and the drug involved is any 2344
compound, mixture, preparation, or substance included in 2345
schedule III, IV, or V, the offender shall be punished as 2346
follows: 2347

(a) Except as otherwise provided in division (C) (2) (b) of 2348
this section, corrupting another with drugs committed in those 2349
circumstances is a felony of the second degree and there is a 2350
presumption for a prison term for the offense. 2351

(b) If the offense was committed in the vicinity of a 2352
school, corrupting another with drugs committed in those 2353
circumstances is a felony of the second degree and the court 2354
shall impose as a mandatory prison term a second degree felony 2355
mandatory prison term. 2356

(3) If the offense is a violation of division (A) (1), (2), 2357
(3), or (4) of this section and the drug involved is marihuana, 2358
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 2359
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 2360
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 2361
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 2362
offender shall be punished as follows: 2363

(a) Except as otherwise provided in division (C) (3) (b) of 2364
this section, corrupting another with drugs committed in those 2365
circumstances is a felony of the fourth degree and division (C) 2366
of section 2929.13 of the Revised Code applies in determining 2367
whether to impose a prison term on the offender. 2368

(b) If the offense was committed in the vicinity of a 2369
school, corrupting another with drugs committed in those 2370
circumstances is a felony of the third degree and division (C) 2371
of section 2929.13 of the Revised Code applies in determining 2372
whether to impose a prison term on the offender. 2373

(4) If the offense is a violation of division (A) (5) of 2374
this section and the drug involved is any compound, mixture, 2375
preparation, or substance included in schedule I or II, with the 2376
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 2377
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 2378
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 2379
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 2380
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 2381
felony of the first degree and, subject to division (E) of this 2382
section, the court shall impose as a mandatory prison term a 2383
first degree felony mandatory prison term. 2384

(5) If the offense is a violation of division (A) (5) of 2385
this section and the drug involved is any compound, mixture, 2386
preparation, or substance included in schedule III, IV, or V, 2387
corrupting another with drugs is a felony of the second degree 2388
and the court shall impose as a mandatory prison term a second 2389
degree felony mandatory prison term. 2390

(6) If the offense is a violation of division (A) (5) of 2391
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 2392
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 2393

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a felony of the third degree and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

(b) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, any mandatory fine imposed pursuant

to division (D) (1) (a) of this section and any fine imposed for a 2424
violation of this section pursuant to division (A) of section 2425
2929.18 of the Revised Code shall be paid by the clerk of the 2426
court in accordance with and subject to the requirements of, and 2427
shall be used as specified in, division (F) of section 2925.03 2428
of the Revised Code. 2429

(c) If a person is charged with any violation of this 2430
section that is a felony of the first, second, or third degree, 2431
posts ~~bail~~ monetary bond, and forfeits the bail, the forfeited 2432
bail shall be paid by the clerk of the court pursuant to 2433
division (D) (1) (b) of this section as if it were a fine imposed 2434
for a violation of this section. 2435

(2) If the offender is a professionally licensed person, 2436
in addition to any other sanction imposed for a violation of 2437
this section, the court immediately shall comply with section 2438
2925.38 of the Revised Code. 2439

(E) Notwithstanding the prison term otherwise authorized 2440
or required for the offense under division (C) of this section 2441
and sections 2929.13 and 2929.14 of the Revised Code, if the 2442
violation of division (A) of this section involves the sale, 2443
offer to sell, or possession of a schedule I or II controlled 2444
substance, with the exception of marihuana, 1-Pentyl-3-(1- 2445
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 2446
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 2447
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 2448
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 2449
if the court imposing sentence upon the offender finds that the 2450
offender as a result of the violation is a major drug offender 2451
and is guilty of a specification of the type described in 2452
division (A) of section 2941.1410 of the Revised Code, the 2453

court, in lieu of the prison term that otherwise is authorized 2454
or required, shall impose upon the offender the mandatory prison 2455
term specified in division (B) (3) (a) of section 2929.14 of the 2456
Revised Code. 2457

(F) (1) If the sentencing court suspends the offender's 2458
driver's or commercial driver's license or permit under division 2459
(D) of this section, the offender, at any time after the 2460
expiration of two years from the day on which the offender's 2461
sentence was imposed or from the day on which the offender 2462
finally was released from a prison term under the sentence, 2463
whichever is later, may file a motion with the sentencing court 2464
requesting termination of the suspension. Upon the filing of the 2465
motion and the court's finding of good cause for the 2466
determination, the court may terminate the suspension. 2467

(2) Any offender who received a mandatory suspension of 2468
the offender's driver's or commercial driver's license or permit 2469
under this section prior to September 13, 2016, may file a 2470
motion with the sentencing court requesting the termination of 2471
the suspension. However, an offender who pleaded guilty to or 2472
was convicted of a violation of section 4511.19 of the Revised 2473
Code or a substantially similar municipal ordinance or law of 2474
another state or the United States that arose out of the same 2475
set of circumstances as the violation for which the offender's 2476
license or permit was suspended under this section shall not 2477
file such a motion. 2478

Upon the filing of a motion under division (F) (2) of this 2479
section, the sentencing court, in its discretion, may terminate 2480
the suspension. 2481

Sec. 2925.03. (A) No person shall knowingly do any of the 2482
following: 2483

(1) Sell or offer to sell a controlled substance or a controlled substance analog;	2484 2485
(2) Prepare for shipment, ship, transport, deliver, prepare for distribution, or distribute a controlled substance or a controlled substance analog, when the offender knows or has reasonable cause to believe that the controlled substance or a controlled substance analog is intended for sale or resale by the offender or another person.	2486 2487 2488 2489 2490 2491
(B) This section does not apply to any of the following:	2492
(1) Manufacturers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code;	2493 2494 2495 2496 2497
(2) If the offense involves an anabolic steroid, any person who is conducting or participating in a research project involving the use of an anabolic steroid if the project has been approved by the United States food and drug administration;	2498 2499 2500 2501
(3) Any person who sells, offers for sale, prescribes, dispenses, or administers for livestock or other nonhuman species an anabolic steroid that is expressly intended for administration through implants to livestock or other nonhuman species and approved for that purpose under the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, and is sold, offered for sale, prescribed, dispensed, or administered for that purpose in accordance with that act.	2502 2503 2504 2505 2506 2507 2508 2509 2510
(C) Whoever violates division (A) of this section is guilty of one of the following:	2511 2512

(1) If the drug involved in the violation is any compound, 2513
mixture, preparation, or substance included in schedule I or 2514
schedule II, with the exception of marihuana, cocaine, L.S.D., 2515
heroin, any fentanyl-related compound, hashish, and any 2516
controlled substance analog, whoever violates division (A) of 2517
this section is guilty of aggravated trafficking in drugs. The 2518
penalty for the offense shall be determined as follows: 2519

(a) Except as otherwise provided in division (C) (1) (b), 2520
(c), (d), (e), or (f) of this section, aggravated trafficking in 2521
drugs is a felony of the fourth degree, and division (C) of 2522
section 2929.13 of the Revised Code applies in determining 2523
whether to impose a prison term on the offender. 2524

(b) Except as otherwise provided in division (C) (1) (c), 2525
(d), (e), or (f) of this section, if the offense was committed 2526
in the vicinity of a school or in the vicinity of a juvenile, 2527
aggravated trafficking in drugs is a felony of the third degree, 2528
and division (C) of section 2929.13 of the Revised Code applies 2529
in determining whether to impose a prison term on the offender. 2530

(c) Except as otherwise provided in this division, if the 2531
amount of the drug involved equals or exceeds the bulk amount 2532
but is less than five times the bulk amount, aggravated 2533
trafficking in drugs is a felony of the third degree, and, 2534
except as otherwise provided in this division, there is a 2535
presumption for a prison term for the offense. If aggravated 2536
trafficking in drugs is a felony of the third degree under this 2537
division and if the offender two or more times previously has 2538
been convicted of or pleaded guilty to a felony drug abuse 2539
offense, the court shall impose as a mandatory prison term one 2540
of the prison terms prescribed for a felony of the third degree. 2541
If the amount of the drug involved is within that range and if 2542

the offense was committed in the vicinity of a school or in the 2543
vicinity of a juvenile, aggravated trafficking in drugs is a 2544
felony of the second degree, and the court shall impose as a 2545
mandatory prison term a second degree felony mandatory prison 2546
term. 2547

(d) Except as otherwise provided in this division, if the 2548
amount of the drug involved equals or exceeds five times the 2549
bulk amount but is less than fifty times the bulk amount, 2550
aggravated trafficking in drugs is a felony of the second 2551
degree, and the court shall impose as a mandatory prison term a 2552
second degree felony mandatory prison term. If the amount of the 2553
drug involved is within that range and if the offense was 2554
committed in the vicinity of a school or in the vicinity of a 2555
juvenile, aggravated trafficking in drugs is a felony of the 2556
first degree, and the court shall impose as a mandatory prison 2557
term a first degree felony mandatory prison term. 2558

(e) If the amount of the drug involved equals or exceeds 2559
fifty times the bulk amount but is less than one hundred times 2560
the bulk amount and regardless of whether the offense was 2561
committed in the vicinity of a school or in the vicinity of a 2562
juvenile, aggravated trafficking in drugs is a felony of the 2563
first degree, and the court shall impose as a mandatory prison 2564
term a first degree felony mandatory prison term. 2565

(f) If the amount of the drug involved equals or exceeds 2566
one hundred times the bulk amount and regardless of whether the 2567
offense was committed in the vicinity of a school or in the 2568
vicinity of a juvenile, aggravated trafficking in drugs is a 2569
felony of the first degree, the offender is a major drug 2570
offender, and the court shall impose as a mandatory prison term 2571
a maximum first degree felony mandatory prison term. 2572

(2) If the drug involved in the violation is any compound, 2573
mixture, preparation, or substance included in schedule III, IV, 2574
or V, whoever violates division (A) of this section is guilty of 2575
trafficking in drugs. The penalty for the offense shall be 2576
determined as follows: 2577

(a) Except as otherwise provided in division (C) (2) (b), 2578
(c), (d), or (e) of this section, trafficking in drugs is a 2579
felony of the fifth degree, and division (B) of section 2929.13 2580
of the Revised Code applies in determining whether to impose a 2581
prison term on the offender. 2582

(b) Except as otherwise provided in division (C) (2) (c), 2583
(d), or (e) of this section, if the offense was committed in the 2584
vicinity of a school or in the vicinity of a juvenile, 2585
trafficking in drugs is a felony of the fourth degree, and 2586
division (C) of section 2929.13 of the Revised Code applies in 2587
determining whether to impose a prison term on the offender. 2588

(c) Except as otherwise provided in this division, if the 2589
amount of the drug involved equals or exceeds the bulk amount 2590
but is less than five times the bulk amount, trafficking in 2591
drugs is a felony of the fourth degree, and division (B) of 2592
section 2929.13 of the Revised Code applies in determining 2593
whether to impose a prison term for the offense. If the amount 2594
of the drug involved is within that range and if the offense was 2595
committed in the vicinity of a school or in the vicinity of a 2596
juvenile, trafficking in drugs is a felony of the third degree, 2597
and there is a presumption for a prison term for the offense. 2598

(d) Except as otherwise provided in this division, if the 2599
amount of the drug involved equals or exceeds five times the 2600
bulk amount but is less than fifty times the bulk amount, 2601
trafficking in drugs is a felony of the third degree, and there 2602

is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty times the bulk amount, trafficking in drugs is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds fifty times the bulk amount and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in drugs is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(3) If the drug involved in the violation is marihuana or a compound, mixture, preparation, or substance containing marihuana other than hashish, whoever violates division (A) of this section is guilty of trafficking in marihuana. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (3) (b), (c), (d), (e), (f), (g), or (h) of this section, trafficking in marihuana is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C) (3) (c), (d), (e), (f), (g), or (h) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in marihuana is a felony of the fourth

degree, and division (B) of section 2929.13 of the Revised Code 2633
applies in determining whether to impose a prison term on the 2634
offender. 2635

(c) Except as otherwise provided in this division, if the 2636
amount of the drug involved equals or exceeds two hundred grams 2637
but is less than one thousand grams, trafficking in marihuana is 2638
a felony of the fourth degree, and division (B) of section 2639
2929.13 of the Revised Code applies in determining whether to 2640
impose a prison term on the offender. If the amount of the drug 2641
involved is within that range and if the offense was committed 2642
in the vicinity of a school or in the vicinity of a juvenile, 2643
trafficking in marihuana is a felony of the third degree, and 2644
division (C) of section 2929.13 of the Revised Code applies in 2645
determining whether to impose a prison term on the offender. 2646

(d) Except as otherwise provided in this division, if the 2647
amount of the drug involved equals or exceeds one thousand grams 2648
but is less than five thousand grams, trafficking in marihuana 2649
is a felony of the third degree, and division (C) of section 2650
2929.13 of the Revised Code applies in determining whether to 2651
impose a prison term on the offender. If the amount of the drug 2652
involved is within that range and if the offense was committed 2653
in the vicinity of a school or in the vicinity of a juvenile, 2654
trafficking in marihuana is a felony of the second degree, and 2655
there is a presumption that a prison term shall be imposed for 2656
the offense. 2657

(e) Except as otherwise provided in this division, if the 2658
amount of the drug involved equals or exceeds five thousand 2659
grams but is less than twenty thousand grams, trafficking in 2660
marihuana is a felony of the third degree, and there is a 2661
presumption that a prison term shall be imposed for the offense. 2662

If the amount of the drug involved is within that range and if 2663
the offense was committed in the vicinity of a school or in the 2664
vicinity of a juvenile, trafficking in marihuana is a felony of 2665
the second degree, and there is a presumption that a prison term 2666
shall be imposed for the offense. 2667

(f) Except as otherwise provided in this division, if the 2668
amount of the drug involved equals or exceeds twenty thousand 2669
grams but is less than forty thousand grams, trafficking in 2670
marihuana is a felony of the second degree, and the court shall 2671
impose as a mandatory prison term a second degree felony 2672
mandatory prison term of five, six, seven, or eight years. If 2673
the amount of the drug involved is within that range and if the 2674
offense was committed in the vicinity of a school or in the 2675
vicinity of a juvenile, trafficking in marihuana is a felony of 2676
the first degree, and the court shall impose as a mandatory 2677
prison term a maximum first degree felony mandatory prison term. 2678

(g) Except as otherwise provided in this division, if the 2679
amount of the drug involved equals or exceeds forty thousand 2680
grams, trafficking in marihuana is a felony of the second 2681
degree, and the court shall impose as a mandatory prison term a 2682
maximum second degree felony mandatory prison term. If the 2683
amount of the drug involved equals or exceeds forty thousand 2684
grams and if the offense was committed in the vicinity of a 2685
school or in the vicinity of a juvenile, trafficking in 2686
marihuana is a felony of the first degree, and the court shall 2687
impose as a mandatory prison term a maximum first degree felony 2688
mandatory prison term. 2689

(h) Except as otherwise provided in this division, if the 2690
offense involves a gift of twenty grams or less of marihuana, 2691
trafficking in marihuana is a minor misdemeanor upon a first 2692

offense and a misdemeanor of the third degree upon a subsequent 2693
offense. If the offense involves a gift of twenty grams or less 2694
of marihuana and if the offense was committed in the vicinity of 2695
a school or in the vicinity of a juvenile, trafficking in 2696
marihuana is a misdemeanor of the third degree. 2697

(4) If the drug involved in the violation is cocaine or a 2698
compound, mixture, preparation, or substance containing cocaine, 2699
whoever violates division (A) of this section is guilty of 2700
trafficking in cocaine. The penalty for the offense shall be 2701
determined as follows: 2702

(a) Except as otherwise provided in division (C) (4) (b), 2703
(c), (d), (e), (f), or (g) of this section, trafficking in 2704
cocaine is a felony of the fifth degree, and division (B) of 2705
section 2929.13 of the Revised Code applies in determining 2706
whether to impose a prison term on the offender. 2707

(b) Except as otherwise provided in division (C) (4) (c), 2708
(d), (e), (f), or (g) of this section, if the offense was 2709
committed in the vicinity of a school or in the vicinity of a 2710
juvenile, trafficking in cocaine is a felony of the fourth 2711
degree, and division (C) of section 2929.13 of the Revised Code 2712
applies in determining whether to impose a prison term on the 2713
offender. 2714

(c) Except as otherwise provided in this division, if the 2715
amount of the drug involved equals or exceeds five grams but is 2716
less than ten grams of cocaine, trafficking in cocaine is a 2717
felony of the fourth degree, and division (B) of section 2929.13 2718
of the Revised Code applies in determining whether to impose a 2719
prison term for the offense. If the amount of the drug involved 2720
is within that range and if the offense was committed in the 2721
vicinity of a school or in the vicinity of a juvenile, 2722

trafficking in cocaine is a felony of the third degree, and 2723
there is a presumption for a prison term for the offense. 2724

(d) Except as otherwise provided in this division, if the 2725
amount of the drug involved equals or exceeds ten grams but is 2726
less than twenty grams of cocaine, trafficking in cocaine is a 2727
felony of the third degree, and, except as otherwise provided in 2728
this division, there is a presumption for a prison term for the 2729
offense. If trafficking in cocaine is a felony of the third 2730
degree under this division and if the offender two or more times 2731
previously has been convicted of or pleaded guilty to a felony 2732
drug abuse offense, the court shall impose as a mandatory prison 2733
term one of the prison terms prescribed for a felony of the 2734
third degree. If the amount of the drug involved is within that 2735
range and if the offense was committed in the vicinity of a 2736
school or in the vicinity of a juvenile, trafficking in cocaine 2737
is a felony of the second degree, and the court shall impose as 2738
a mandatory prison term a second degree felony mandatory prison 2739
term. 2740

(e) Except as otherwise provided in this division, if the 2741
amount of the drug involved equals or exceeds twenty grams but 2742
is less than twenty-seven grams of cocaine, trafficking in 2743
cocaine is a felony of the second degree, and the court shall 2744
impose as a mandatory prison term a second degree felony 2745
mandatory prison term. If the amount of the drug involved is 2746
within that range and if the offense was committed in the 2747
vicinity of a school or in the vicinity of a juvenile, 2748
trafficking in cocaine is a felony of the first degree, and the 2749
court shall impose as a mandatory prison term a first degree 2750
felony mandatory prison term. 2751

(f) If the amount of the drug involved equals or exceeds 2752

twenty-seven grams but is less than one hundred grams of cocaine 2753
and regardless of whether the offense was committed in the 2754
vicinity of a school or in the vicinity of a juvenile, 2755
trafficking in cocaine is a felony of the first degree, and the 2756
court shall impose as a mandatory prison term a first degree 2757
felony mandatory prison term. 2758

(g) If the amount of the drug involved equals or exceeds 2759
one hundred grams of cocaine and regardless of whether the 2760
offense was committed in the vicinity of a school or in the 2761
vicinity of a juvenile, trafficking in cocaine is a felony of 2762
the first degree, the offender is a major drug offender, and the 2763
court shall impose as a mandatory prison term a maximum first 2764
degree felony mandatory prison term. 2765

(5) If the drug involved in the violation is L.S.D. or a 2766
compound, mixture, preparation, or substance containing L.S.D., 2767
whoever violates division (A) of this section is guilty of 2768
trafficking in L.S.D. The penalty for the offense shall be 2769
determined as follows: 2770

(a) Except as otherwise provided in division (C) (5) (b), 2771
(c), (d), (e), (f), or (g) of this section, trafficking in 2772
L.S.D. is a felony of the fifth degree, and division (B) of 2773
section 2929.13 of the Revised Code applies in determining 2774
whether to impose a prison term on the offender. 2775

(b) Except as otherwise provided in division (C) (5) (c), 2776
(d), (e), (f), or (g) of this section, if the offense was 2777
committed in the vicinity of a school or in the vicinity of a 2778
juvenile, trafficking in L.S.D. is a felony of the fourth 2779
degree, and division (C) of section 2929.13 of the Revised Code 2780
applies in determining whether to impose a prison term on the 2781
offender. 2782

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses of L.S.D. in a solid form or equals or exceeds one gram but is less than five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than two hundred fifty unit doses of L.S.D. in a solid form or equals or exceeds five grams but is less than twenty-five grams of L.S.D. in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in L.S.D. is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If trafficking in L.S.D. is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in L.S.D. is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison

term. 2814

(e) Except as otherwise provided in this division, if the 2815
amount of the drug involved equals or exceeds two hundred fifty 2816
unit doses but is less than one thousand unit doses of L.S.D. in 2817
a solid form or equals or exceeds twenty-five grams but is less 2818
than one hundred grams of L.S.D. in a liquid concentrate, liquid 2819
extract, or liquid distillate form, trafficking in L.S.D. is a 2820
felony of the second degree, and the court shall impose as a 2821
mandatory prison term a second degree felony mandatory prison 2822
term. If the amount of the drug involved is within that range 2823
and if the offense was committed in the vicinity of a school or 2824
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2825
of the first degree, and the court shall impose as a mandatory 2826
prison term a first degree felony mandatory prison term. 2827

(f) If the amount of the drug involved equals or exceeds 2828
one thousand unit doses but is less than five thousand unit 2829
doses of L.S.D. in a solid form or equals or exceeds one hundred 2830
grams but is less than five hundred grams of L.S.D. in a liquid 2831
concentrate, liquid extract, or liquid distillate form and 2832
regardless of whether the offense was committed in the vicinity 2833
of a school or in the vicinity of a juvenile, trafficking in 2834
L.S.D. is a felony of the first degree, and the court shall 2835
impose as a mandatory prison term a first degree felony 2836
mandatory prison term. 2837

(g) If the amount of the drug involved equals or exceeds 2838
five thousand unit doses of L.S.D. in a solid form or equals or 2839
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2840
liquid extract, or liquid distillate form and regardless of 2841
whether the offense was committed in the vicinity of a school or 2842
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 2843

of the first degree, the offender is a major drug offender, and 2844
the court shall impose as a mandatory prison term a maximum 2845
first degree felony mandatory prison term. 2846

(6) If the drug involved in the violation is heroin or a 2847
compound, mixture, preparation, or substance containing heroin, 2848
whoever violates division (A) of this section is guilty of 2849
trafficking in heroin. The penalty for the offense shall be 2850
determined as follows: 2851

(a) Except as otherwise provided in division (C) (6) (b), 2852
(c), (d), (e), (f), or (g) of this section, trafficking in 2853
heroin is a felony of the fifth degree, and division (B) of 2854
section 2929.13 of the Revised Code applies in determining 2855
whether to impose a prison term on the offender. 2856

(b) Except as otherwise provided in division (C) (6) (c), 2857
(d), (e), (f), or (g) of this section, if the offense was 2858
committed in the vicinity of a school or in the vicinity of a 2859
juvenile, trafficking in heroin is a felony of the fourth 2860
degree, and division (C) of section 2929.13 of the Revised Code 2861
applies in determining whether to impose a prison term on the 2862
offender. 2863

(c) Except as otherwise provided in this division, if the 2864
amount of the drug involved equals or exceeds ten unit doses but 2865
is less than fifty unit doses or equals or exceeds one gram but 2866
is less than five grams, trafficking in heroin is a felony of 2867
the fourth degree, and division (B) of section 2929.13 of the 2868
Revised Code applies in determining whether to impose a prison 2869
term for the offense. If the amount of the drug involved is 2870
within that range and if the offense was committed in the 2871
vicinity of a school or in the vicinity of a juvenile, 2872
trafficking in heroin is a felony of the third degree, and there 2873

is a presumption for a prison term for the offense. 2874

(d) Except as otherwise provided in this division, if the 2875
amount of the drug involved equals or exceeds fifty unit doses 2876
but is less than one hundred unit doses or equals or exceeds 2877
five grams but is less than ten grams, trafficking in heroin is 2878
a felony of the third degree, and there is a presumption for a 2879
prison term for the offense. If the amount of the drug involved 2880
is within that range and if the offense was committed in the 2881
vicinity of a school or in the vicinity of a juvenile, 2882
trafficking in heroin is a felony of the second degree, and 2883
there is a presumption for a prison term for the offense. 2884

(e) Except as otherwise provided in this division, if the 2885
amount of the drug involved equals or exceeds one hundred unit 2886
doses but is less than five hundred unit doses or equals or 2887
exceeds ten grams but is less than fifty grams, trafficking in 2888
heroin is a felony of the second degree, and the court shall 2889
impose as a mandatory prison term a second degree felony 2890
mandatory prison term. If the amount of the drug involved is 2891
within that range and if the offense was committed in the 2892
vicinity of a school or in the vicinity of a juvenile, 2893
trafficking in heroin is a felony of the first degree, and the 2894
court shall impose as a mandatory prison term a first degree 2895
felony mandatory prison term. 2896

(f) If the amount of the drug involved equals or exceeds 2897
five hundred unit doses but is less than one thousand unit doses 2898
or equals or exceeds fifty grams but is less than one hundred 2899
grams and regardless of whether the offense was committed in the 2900
vicinity of a school or in the vicinity of a juvenile, 2901
trafficking in heroin is a felony of the first degree, and the 2902
court shall impose as a mandatory prison term a first degree 2903

felony mandatory prison term. 2904

(g) If the amount of the drug involved equals or exceeds 2905
one thousand unit doses or equals or exceeds one hundred grams 2906
and regardless of whether the offense was committed in the 2907
vicinity of a school or in the vicinity of a juvenile, 2908
trafficking in heroin is a felony of the first degree, the 2909
offender is a major drug offender, and the court shall impose as 2910
a mandatory prison term a maximum first degree felony mandatory 2911
prison term. 2912

(7) If the drug involved in the violation is hashish or a 2913
compound, mixture, preparation, or substance containing hashish, 2914
whoever violates division (A) of this section is guilty of 2915
trafficking in hashish. The penalty for the offense shall be 2916
determined as follows: 2917

(a) Except as otherwise provided in division (C) (7) (b), 2918
(c), (d), (e), (f), or (g) of this section, trafficking in 2919
hashish is a felony of the fifth degree, and division (B) of 2920
section 2929.13 of the Revised Code applies in determining 2921
whether to impose a prison term on the offender. 2922

(b) Except as otherwise provided in division (C) (7) (c), 2923
(d), (e), (f), or (g) of this section, if the offense was 2924
committed in the vicinity of a school or in the vicinity of a 2925
juvenile, trafficking in hashish is a felony of the fourth 2926
degree, and division (B) of section 2929.13 of the Revised Code 2927
applies in determining whether to impose a prison term on the 2928
offender. 2929

(c) Except as otherwise provided in this division, if the 2930
amount of the drug involved equals or exceeds ten grams but is 2931
less than fifty grams of hashish in a solid form or equals or 2932

exceeds two grams but is less than ten grams of hashish in a 2933
liquid concentrate, liquid extract, or liquid distillate form, 2934
trafficking in hashish is a felony of the fourth degree, and 2935
division (B) of section 2929.13 of the Revised Code applies in 2936
determining whether to impose a prison term on the offender. If 2937
the amount of the drug involved is within that range and if the 2938
offense was committed in the vicinity of a school or in the 2939
vicinity of a juvenile, trafficking in hashish is a felony of 2940
the third degree, and division (C) of section 2929.13 of the 2941
Revised Code applies in determining whether to impose a prison 2942
term on the offender. 2943

(d) Except as otherwise provided in this division, if the 2944
amount of the drug involved equals or exceeds fifty grams but is 2945
less than two hundred fifty grams of hashish in a solid form or 2946
equals or exceeds ten grams but is less than fifty grams of 2947
hashish in a liquid concentrate, liquid extract, or liquid 2948
distillate form, trafficking in hashish is a felony of the third 2949
degree, and division (C) of section 2929.13 of the Revised Code 2950
applies in determining whether to impose a prison term on the 2951
offender. If the amount of the drug involved is within that 2952
range and if the offense was committed in the vicinity of a 2953
school or in the vicinity of a juvenile, trafficking in hashish 2954
is a felony of the second degree, and there is a presumption 2955
that a prison term shall be imposed for the offense. 2956

(e) Except as otherwise provided in this division, if the 2957
amount of the drug involved equals or exceeds two hundred fifty 2958
grams but is less than one thousand grams of hashish in a solid 2959
form or equals or exceeds fifty grams but is less than two 2960
hundred grams of hashish in a liquid concentrate, liquid 2961
extract, or liquid distillate form, trafficking in hashish is a 2962
felony of the third degree, and there is a presumption that a 2963

prison term shall be imposed for the offense. If the amount of
the drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in hashish is a felony of the second
degree, and there is a presumption that a prison term shall be
imposed for the offense.

(f) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds one thousand grams
but is less than two thousand grams of hashish in a solid form
or equals or exceeds two hundred grams but is less than four
hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form, trafficking in hashish is a
felony of the second degree, and the court shall impose as a
mandatory prison term a second degree felony mandatory prison
term of five, six, seven, or eight years. If the amount of the
drug involved is within that range and if the offense was
committed in the vicinity of a school or in the vicinity of a
juvenile, trafficking in hashish is a felony of the first
degree, and the court shall impose as a mandatory prison term a
maximum first degree felony mandatory prison term.

(g) Except as otherwise provided in this division, if the
amount of the drug involved equals or exceeds two thousand grams
of hashish in a solid form or equals or exceeds four hundred
grams of hashish in a liquid concentrate, liquid extract, or
liquid distillate form, trafficking in hashish is a felony of
the second degree, and the court shall impose as a mandatory
prison term a maximum second degree felony mandatory prison
term. If the amount of the drug involved equals or exceeds two
thousand grams of hashish in a solid form or equals or exceeds
four hundred grams of hashish in a liquid concentrate, liquid
extract, or liquid distillate form and if the offense was

committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(8) If the drug involved in the violation is a controlled substance analog or compound, mixture, preparation, or substance that contains a controlled substance analog, whoever violates division (A) of this section is guilty of trafficking in a controlled substance analog. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (8) (b), (c), (d), (e), (f), or (g) of this section, trafficking in a controlled substance analog is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) Except as otherwise provided in division (C) (8) (c), (d), (e), (f), or (g) of this section, if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten grams but is less than twenty grams, trafficking in a controlled substance analog is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a

juvenile, trafficking in a controlled substance analog is a 3025
felony of the third degree, and there is a presumption for a 3026
prison term for the offense. 3027

(d) Except as otherwise provided in this division, if the 3028
amount of the drug involved equals or exceeds twenty grams but 3029
is less than thirty grams, trafficking in a controlled substance 3030
analog is a felony of the third degree, and there is a 3031
presumption for a prison term for the offense. If the amount of 3032
the drug involved is within that range and if the offense was 3033
committed in the vicinity of a school or in the vicinity of a 3034
juvenile, trafficking in a controlled substance analog is a 3035
felony of the second degree, and there is a presumption for a 3036
prison term for the offense. 3037

(e) Except as otherwise provided in this division, if the 3038
amount of the drug involved equals or exceeds thirty grams but 3039
is less than forty grams, trafficking in a controlled substance 3040
analog is a felony of the second degree, and the court shall 3041
impose as a mandatory prison term a second degree felony 3042
mandatory prison term. If the amount of the drug involved is 3043
within that range and if the offense was committed in the 3044
vicinity of a school or in the vicinity of a juvenile, 3045
trafficking in a controlled substance analog is a felony of the 3046
first degree, and the court shall impose as a mandatory prison 3047
term a first degree felony mandatory prison term. 3048

(f) If the amount of the drug involved equals or exceeds 3049
forty grams but is less than fifty grams and regardless of 3050
whether the offense was committed in the vicinity of a school or 3051
in the vicinity of a juvenile, trafficking in a controlled 3052
substance analog is a felony of the first degree, and the court 3053
shall impose as a mandatory prison term a first degree felony 3054

mandatory prison term. 3055

(g) If the amount of the drug involved equals or exceeds 3056
fifty grams and regardless of whether the offense was committed 3057
in the vicinity of a school or in the vicinity of a juvenile, 3058
trafficking in a controlled substance analog is a felony of the 3059
first degree, the offender is a major drug offender, and the 3060
court shall impose as a mandatory prison term a maximum first 3061
degree felony mandatory prison term. 3062

(9) If the drug involved in the violation is a fentanyl- 3063
related compound or a compound, mixture, preparation, or 3064
substance containing a fentanyl-related compound and division 3065
(C) (10) (a) of this section does not apply to the drug involved, 3066
whoever violates division (A) of this section is guilty of 3067
trafficking in a fentanyl-related compound. The penalty for the 3068
offense shall be determined as follows: 3069

(a) Except as otherwise provided in division (C) (9) (b), 3070
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 3071
a fentanyl-related compound is a felony of the fifth degree, and 3072
division (B) of section 2929.13 of the Revised Code applies in 3073
determining whether to impose a prison term on the offender. 3074

(b) Except as otherwise provided in division (C) (9) (c), 3075
(d), (e), (f), (g), or (h) of this section, if the offense was 3076
committed in the vicinity of a school or in the vicinity of a 3077
juvenile, trafficking in a fentanyl-related compound is a felony 3078
of the fourth degree, and division (C) of section 2929.13 of the 3079
Revised Code applies in determining whether to impose a prison 3080
term on the offender. 3081

(c) Except as otherwise provided in this division, if the 3082
amount of the drug involved equals or exceeds ten unit doses but 3083

is less than fifty unit doses or equals or exceeds one gram but 3084
is less than five grams, trafficking in a fentanyl-related 3085
compound is a felony of the fourth degree, and division (B) of 3086
section 2929.13 of the Revised Code applies in determining 3087
whether to impose a prison term for the offense. If the amount 3088
of the drug involved is within that range and if the offense was 3089
committed in the vicinity of a school or in the vicinity of a 3090
juvenile, trafficking in a fentanyl-related compound is a felony 3091
of the third degree, and there is a presumption for a prison 3092
term for the offense. 3093

(d) Except as otherwise provided in this division, if the 3094
amount of the drug involved equals or exceeds fifty unit doses 3095
but is less than one hundred unit doses or equals or exceeds 3096
five grams but is less than ten grams, trafficking in a 3097
fentanyl-related compound is a felony of the third degree, and 3098
there is a presumption for a prison term for the offense. If the 3099
amount of the drug involved is within that range and if the 3100
offense was committed in the vicinity of a school or in the 3101
vicinity of a juvenile, trafficking in a fentanyl-related 3102
compound is a felony of the second degree, and there is a 3103
presumption for a prison term for the offense. 3104

(e) Except as otherwise provided in this division, if the 3105
amount of the drug involved equals or exceeds one hundred unit 3106
doses but is less than two hundred unit doses or equals or 3107
exceeds ten grams but is less than twenty grams, trafficking in 3108
a fentanyl-related compound is a felony of the second degree, 3109
and the court shall impose as a mandatory prison term one of the 3110
prison terms prescribed for a felony of the second degree. If 3111
the amount of the drug involved is within that range and if the 3112
offense was committed in the vicinity of a school or in the 3113
vicinity of a juvenile, trafficking in a fentanyl-related 3114

compound is a felony of the first degree, and the court shall 3115
impose as a mandatory prison term one of the prison terms 3116
prescribed for a felony of the first degree. 3117

(f) If the amount of the drug involved equals or exceeds 3118
two hundred unit doses but is less than five hundred unit doses 3119
or equals or exceeds twenty grams but is less than fifty grams 3120
and regardless of whether the offense was committed in the 3121
vicinity of a school or in the vicinity of a juvenile, 3122
trafficking in a fentanyl-related compound is a felony of the 3123
first degree, and the court shall impose as a mandatory prison 3124
term one of the prison terms prescribed for a felony of the 3125
first degree. 3126

(g) If the amount of the drug involved equals or exceeds 3127
five hundred unit doses but is less than one thousand unit doses 3128
or equals or exceeds fifty grams but is less than one hundred 3129
grams and regardless of whether the offense was committed in the 3130
vicinity of a school or in the vicinity of a juvenile, 3131
trafficking in a fentanyl-related compound is a felony of the 3132
first degree, and the court shall impose as a mandatory prison 3133
term the maximum prison term prescribed for a felony of the 3134
first degree. 3135

(h) If the amount of the drug involved equals or exceeds 3136
one thousand unit doses or equals or exceeds one hundred grams 3137
and regardless of whether the offense was committed in the 3138
vicinity of a school or in the vicinity of a juvenile, 3139
trafficking in a fentanyl-related compound is a felony of the 3140
first degree, the offender is a major drug offender, and the 3141
court shall impose as a mandatory prison term the maximum prison 3142
term prescribed for a felony of the first degree. 3143

(10) If the drug involved in the violation is a compound, 3144

mixture, preparation, or substance that is a combination of a 3145
fentanyl-related compound and marihuana, one of the following 3146
applies: 3147

(a) Except as otherwise provided in division (C)(10)(b) of 3148
this section, the offender is guilty of trafficking in marihuana 3149
and shall be punished under division (C)(3) of this section. The 3150
offender is not guilty of trafficking in a fentanyl-related 3151
compound and shall not be charged with, convicted of, or 3152
punished under division (C)(9) of this section for trafficking 3153
in a fentanyl-related compound. 3154

(b) If the offender knows or has reason to know that the 3155
compound, mixture, preparation, or substance that is the drug 3156
involved contains a fentanyl-related compound, the offender is 3157
guilty of trafficking in a fentanyl-related compound and shall 3158
be punished under division (C)(9) of this section. 3159

(D) In addition to any prison term authorized or required 3160
by division (C) of this section and sections 2929.13 and 2929.14 3161
of the Revised Code, and in addition to any other sanction 3162
imposed for the offense under this section or sections 2929.11 3163
to 2929.18 of the Revised Code, the court that sentences an 3164
offender who is convicted of or pleads guilty to a violation of 3165
division (A) of this section may suspend the driver's or 3166
commercial driver's license or permit of the offender in 3167
accordance with division (G) of this section. However, if the 3168
offender pleaded guilty to or was convicted of a violation of 3169
section 4511.19 of the Revised Code or a substantially similar 3170
municipal ordinance or the law of another state or the United 3171
States arising out of the same set of circumstances as the 3172
violation, the court shall suspend the offender's driver's or 3173
commercial driver's license or permit in accordance with 3174

division (G) of this section. If applicable, the court also 3175
shall do the following: 3176

(1) If the violation of division (A) of this section is a 3177
felony of the first, second, or third degree, the court shall 3178
impose upon the offender the mandatory fine specified for the 3179
offense under division (B) (1) of section 2929.18 of the Revised 3180
Code unless, as specified in that division, the court determines 3181
that the offender is indigent. Except as otherwise provided in 3182
division (H) (1) of this section, a mandatory fine or any other 3183
fine imposed for a violation of this section is subject to 3184
division (F) of this section. If a person is charged with a 3185
violation of this section that is a felony of the first, second, 3186
or third degree, posts ~~bail~~ monetary bond, and forfeits the 3187
bail, the clerk of the court shall pay the forfeited bail 3188
pursuant to divisions (D) (1) and (F) of this section, as if the 3189
forfeited bail was a fine imposed for a violation of this 3190
section. If any amount of the forfeited bail remains after that 3191
payment and if a fine is imposed under division (H) (1) of this 3192
section, the clerk of the court shall pay the remaining amount 3193
of the forfeited bail pursuant to divisions (H) (2) and (3) of 3194
this section, as if that remaining amount was a fine imposed 3195
under division (H) (1) of this section. 3196

(2) If the offender is a professionally licensed person, 3197
the court immediately shall comply with section 2925.38 of the 3198
Revised Code. 3199

(E) When a person is charged with the sale of or offer to 3200
sell a bulk amount or a multiple of a bulk amount of a 3201
controlled substance, the jury, or the court trying the accused, 3202
shall determine the amount of the controlled substance involved 3203
at the time of the offense and, if a guilty verdict is returned, 3204

shall return the findings as part of the verdict. In any such 3205
case, it is unnecessary to find and return the exact amount of 3206
the controlled substance involved, and it is sufficient if the 3207
finding and return is to the effect that the amount of the 3208
controlled substance involved is the requisite amount, or that 3209
the amount of the controlled substance involved is less than the 3210
requisite amount. 3211

(F) (1) Notwithstanding any contrary provision of section 3212
3719.21 of the Revised Code and except as provided in division 3213
(H) of this section, the clerk of the court shall pay any 3214
mandatory fine imposed pursuant to division (D) (1) of this 3215
section and any fine other than a mandatory fine that is imposed 3216
for a violation of this section pursuant to division (A) or (B) 3217
(5) of section 2929.18 of the Revised Code to the county, 3218
township, municipal corporation, park district, as created 3219
pursuant to section 511.18 or 1545.04 of the Revised Code, or 3220
state law enforcement agencies in this state that primarily were 3221
responsible for or involved in making the arrest of, and in 3222
prosecuting, the offender. However, the clerk shall not pay a 3223
mandatory fine so imposed to a law enforcement agency unless the 3224
agency has adopted a written internal control policy under 3225
division (F) (2) of this section that addresses the use of the 3226
fine moneys that it receives. Each agency shall use the 3227
mandatory fines so paid to subsidize the agency's law 3228
enforcement efforts that pertain to drug offenses, in accordance 3229
with the written internal control policy adopted by the 3230
recipient agency under division (F) (2) of this section. 3231

(2) Prior to receiving any fine moneys under division (F) 3232
(1) of this section or division (B) of section 2925.42 of the 3233
Revised Code, a law enforcement agency shall adopt a written 3234
internal control policy that addresses the agency's use and 3235

disposition of all fine moneys so received and that provides for 3236
the keeping of detailed financial records of the receipts of 3237
those fine moneys, the general types of expenditures made out of 3238
those fine moneys, and the specific amount of each general type 3239
of expenditure. The policy shall not provide for or permit the 3240
identification of any specific expenditure that is made in an 3241
ongoing investigation. All financial records of the receipts of 3242
those fine moneys, the general types of expenditures made out of 3243
those fine moneys, and the specific amount of each general type 3244
of expenditure by an agency are public records open for 3245
inspection under section 149.43 of the Revised Code. 3246
Additionally, a written internal control policy adopted under 3247
this division is such a public record, and the agency that 3248
adopted it shall comply with it. 3249

(3) As used in division (F) of this section: 3250

(a) "Law enforcement agencies" includes, but is not 3251
limited to, the state board of pharmacy and the office of a 3252
prosecutor. 3253

(b) "Prosecutor" has the same meaning as in section 3254
2935.01 of the Revised Code. 3255

(G) (1) If the sentencing court suspends the offender's 3256
driver's or commercial driver's license or permit under division 3257
(D) of this section or any other provision of this chapter, the 3258
court shall suspend the license, by order, for not more than 3259
five years. If an offender's driver's or commercial driver's 3260
license or permit is suspended pursuant to this division, the 3261
offender, at any time after the expiration of two years from the 3262
day on which the offender's sentence was imposed or from the day 3263
on which the offender finally was released from a prison term 3264
under the sentence, whichever is later, may file a motion with 3265

the sentencing court requesting termination of the suspension; 3266
upon the filing of such a motion and the court's finding of good 3267
cause for the termination, the court may terminate the 3268
suspension. 3269

(2) Any offender who received a mandatory suspension of 3270
the offender's driver's or commercial driver's license or permit 3271
under this section prior to September 13, 2016, may file a 3272
motion with the sentencing court requesting the termination of 3273
the suspension. However, an offender who pleaded guilty to or 3274
was convicted of a violation of section 4511.19 of the Revised 3275
Code or a substantially similar municipal ordinance or law of 3276
another state or the United States that arose out of the same 3277
set of circumstances as the violation for which the offender's 3278
license or permit was suspended under this section shall not 3279
file such a motion. 3280

Upon the filing of a motion under division (G)(2) of this 3281
section, the sentencing court, in its discretion, may terminate 3282
the suspension. 3283

(H)(1) In addition to any prison term authorized or 3284
required by division (C) of this section and sections 2929.13 3285
and 2929.14 of the Revised Code, in addition to any other 3286
penalty or sanction imposed for the offense under this section 3287
or sections 2929.11 to 2929.18 of the Revised Code, and in 3288
addition to the forfeiture of property in connection with the 3289
offense as prescribed in Chapter 2981. of the Revised Code, the 3290
court that sentences an offender who is convicted of or pleads 3291
guilty to a violation of division (A) of this section may impose 3292
upon the offender an additional fine specified for the offense 3293
in division (B)(4) of section 2929.18 of the Revised Code. A 3294
fine imposed under division (H)(1) of this section is not 3295

subject to division (F) of this section and shall be used solely 3296
for the support of one or more eligible community addiction 3297
services providers in accordance with divisions (H) (2) and (3) 3298
of this section. 3299

(2) The court that imposes a fine under division (H) (1) of 3300
this section shall specify in the judgment that imposes the fine 3301
one or more eligible community addiction services providers for 3302
the support of which the fine money is to be used. No community 3303
addiction services provider shall receive or use money paid or 3304
collected in satisfaction of a fine imposed under division (H) 3305
(1) of this section unless the services provider is specified in 3306
the judgment that imposes the fine. No community addiction 3307
services provider shall be specified in the judgment unless the 3308
services provider is an eligible community addiction services 3309
provider and, except as otherwise provided in division (H) (2) of 3310
this section, unless the services provider is located in the 3311
county in which the court that imposes the fine is located or in 3312
a county that is immediately contiguous to the county in which 3313
that court is located. If no eligible community addiction 3314
services provider is located in any of those counties, the 3315
judgment may specify an eligible community addiction services 3316
provider that is located anywhere within this state. 3317

(3) Notwithstanding any contrary provision of section 3318
3719.21 of the Revised Code, the clerk of the court shall pay 3319
any fine imposed under division (H) (1) of this section to the 3320
eligible community addiction services provider specified 3321
pursuant to division (H) (2) of this section in the judgment. The 3322
eligible community addiction services provider that receives the 3323
fine moneys shall use the moneys only for the alcohol and drug 3324
addiction services identified in the application for 3325
certification of services under section 5119.36 of the Revised 3326

Code or in the application for a license under section 5119.37 3327
of the Revised Code filed with the department of mental health 3328
and addiction services by the community addiction services 3329
provider specified in the judgment. 3330

(4) Each community addiction services provider that 3331
receives in a calendar year any fine moneys under division (H) 3332
(3) of this section shall file an annual report covering that 3333
calendar year with the court of common pleas and the board of 3334
county commissioners of the county in which the services 3335
provider is located, with the court of common pleas and the 3336
board of county commissioners of each county from which the 3337
services provider received the moneys if that county is 3338
different from the county in which the services provider is 3339
located, and with the attorney general. The community addiction 3340
services provider shall file the report no later than the first 3341
day of March in the calendar year following the calendar year in 3342
which the services provider received the fine moneys. The report 3343
shall include statistics on the number of persons served by the 3344
community addiction services provider, identify the types of 3345
alcohol and drug addiction services provided to those persons, 3346
and include a specific accounting of the purposes for which the 3347
fine moneys received were used. No information contained in the 3348
report shall identify, or enable a person to determine the 3349
identity of, any person served by the community addiction 3350
services provider. Each report received by a court of common 3351
pleas, a board of county commissioners, or the attorney general 3352
is a public record open for inspection under section 149.43 of 3353
the Revised Code. 3354

(5) As used in divisions (H) (1) to (5) of this section: 3355

(a) "Community addiction services provider" and "alcohol 3356

and drug addiction services" have the same meanings as in 3357
section 5119.01 of the Revised Code. 3358

(b) "Eligible community addiction services provider" means 3359
a community addiction services provider, including a community 3360
addiction services provider that operates an opioid treatment 3361
program licensed under section 5119.37 of the Revised Code. 3362

(I) As used in this section, "drug" includes any substance 3363
that is represented to be a drug. 3364

(J) It is an affirmative defense to a charge of 3365
trafficking in a controlled substance analog under division (C) 3366
(8) of this section that the person charged with violating that 3367
offense sold or offered to sell, or prepared for shipment, 3368
shipped, transported, delivered, prepared for distribution, or 3369
distributed one of the following items that are excluded from 3370
the meaning of "controlled substance analog" under section 3371
3719.01 of the Revised Code: 3372

(1) A controlled substance; 3373

(2) Any substance for which there is an approved new drug 3374
application; 3375

(3) With respect to a particular person, any substance if 3376
an exemption is in effect for investigational use for that 3377
person pursuant to federal law to the extent that conduct with 3378
respect to that substance is pursuant to that exemption. 3379

Sec. 2925.04. (A) No person shall knowingly cultivate 3380
marihuana or knowingly manufacture or otherwise engage in any 3381
part of the production of a controlled substance. 3382

(B) This section does not apply to any person listed in 3383
division (B)(1), (2), or (3) of section 2925.03 of the Revised 3384

Code to the extent and under the circumstances described in 3385
those divisions. 3386

(C) (1) Whoever commits a violation of division (A) of this 3387
section that involves any drug other than marihuana is guilty of 3388
illegal manufacture of drugs, and whoever commits a violation of 3389
division (A) of this section that involves marihuana is guilty 3390
of illegal cultivation of marihuana. 3391

(2) Except as otherwise provided in this division, if the 3392
drug involved in the violation of division (A) of this section 3393
is any compound, mixture, preparation, or substance included in 3394
schedule I or II, with the exception of methamphetamine or 3395
marihuana, illegal manufacture of drugs is a felony of the 3396
second degree, and, subject to division (E) of this section, the 3397
court shall impose as a mandatory prison term a second degree 3398
felony mandatory prison term. 3399

If the drug involved in the violation is any compound, 3400
mixture, preparation, or substance included in schedule I or II, 3401
with the exception of methamphetamine or marihuana, and if the 3402
offense was committed in the vicinity of a juvenile or in the 3403
vicinity of a school, illegal manufacture of drugs is a felony 3404
of the first degree, and, subject to division (E) of this 3405
section, the court shall impose as a mandatory prison term a 3406
first degree felony mandatory prison term. 3407

(3) If the drug involved in the violation of division (A) 3408
of this section is methamphetamine, the penalty for the 3409
violation shall be determined as follows: 3410

(a) Except as otherwise provided in division (C) (3) (b) of 3411
this section, if the drug involved in the violation is 3412
methamphetamine, illegal manufacture of drugs is a felony of the 3413

second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term a second degree felony mandatory prison term that is not less than three years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B) (6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term a second degree felony mandatory prison term that is not less than five years.

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

(4) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal

manufacture of drugs is a felony of the third degree or, if the
offense was committed in the vicinity of a school or in the
vicinity of a juvenile, a felony of the second degree, and there
is a presumption for a prison term for the offense.

(5) If the drug involved in the violation is marihuana,
the penalty for the offense shall be determined as follows:

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

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

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

(d) If the amount of marihuana involved equals or exceeds
one thousand grams but is less than five thousand grams, illegal
cultivation of marihuana is a felony of the third degree or, if
the offense was committed in the vicinity of a school or in the
vicinity of a juvenile, a felony of the second degree, and

division (C) of section 2929.13 of the Revised Code applies in 3474
determining whether to impose a prison term on the offender. 3475

(e) If the amount of marihuana involved equals or exceeds 3476
five thousand grams but is less than twenty thousand grams, 3477
illegal cultivation of marihuana is a felony of the third degree 3478
or, if the offense was committed in the vicinity of a school or 3479
in the vicinity of a juvenile, a felony of the second degree, 3480
and there is a presumption for a prison term for the offense. 3481

(f) Except as otherwise provided in this division, if the 3482
amount of marihuana involved equals or exceeds twenty thousand 3483
grams, illegal cultivation of marihuana is a felony of the 3484
second degree, and the court shall impose as a mandatory prison 3485
term a maximum second degree felony mandatory prison term. If 3486
the amount of the drug involved equals or exceeds twenty 3487
thousand grams and if the offense was committed in the vicinity 3488
of a school or in the vicinity of a juvenile, illegal 3489
cultivation of marihuana is a felony of the first degree, and 3490
the court shall impose as a mandatory prison term a maximum 3491
first degree felony mandatory prison term. 3492

(D) In addition to any prison term authorized or required 3493
by division (C) or (E) of this section and sections 2929.13 and 3494
2929.14 of the Revised Code and in addition to any other 3495
sanction imposed for the offense under this section or sections 3496
2929.11 to 2929.18 of the Revised Code, the court that sentences 3497
an offender who is convicted of or pleads guilty to a violation 3498
of division (A) of this section may suspend the offender's 3499
driver's or commercial driver's license or permit in accordance 3500
with division (G) of section 2925.03 of the Revised Code. 3501
However, if the offender pleaded guilty to or was convicted of a 3502
violation of section 4511.19 of the Revised Code or a 3503

substantially similar municipal ordinance or the law of another 3504
state or the United States arising out of the same set of 3505
circumstances as the violation, the court shall suspend the 3506
offender's driver's or commercial driver's license or permit in 3507
accordance with division (G) of section 2925.03 of the Revised 3508
Code. If applicable, the court also shall do the following: 3509

(1) If the violation of division (A) of this section is a 3510
felony of the first, second, or third degree, the court shall 3511
impose upon the offender the mandatory fine specified for the 3512
offense under division (B)(1) of section 2929.18 of the Revised 3513
Code unless, as specified in that division, the court determines 3514
that the offender is indigent. The clerk of the court shall pay 3515
a mandatory fine or other fine imposed for a violation of this 3516
section pursuant to division (A) of section 2929.18 of the 3517
Revised Code in accordance with and subject to the requirements 3518
of division (F) of section 2925.03 of the Revised Code. The 3519
agency that receives the fine shall use the fine as specified in 3520
division (F) of section 2925.03 of the Revised Code. If a person 3521
is charged with a violation of this section that is a felony of 3522
the first, second, or third degree, posts ~~bail~~ monetary bond, 3523
and forfeits the bail, the clerk shall pay the forfeited bail as 3524
if the forfeited bail were a fine imposed for a violation of 3525
this section. 3526

(2) If the offender is a professionally licensed person, 3527
the court immediately shall comply with section 2925.38 of the 3528
Revised Code. 3529

(E) Notwithstanding the prison term otherwise authorized 3530
or required for the offense under division (C) of this section 3531
and sections 2929.13 and 2929.14 of the Revised Code, if the 3532
violation of division (A) of this section involves the sale, 3533

offer to sell, or possession of a schedule I or II controlled 3534
substance, with the exception of marihuana, and if the court 3535
imposing sentence upon the offender finds that the offender as a 3536
result of the violation is a major drug offender and is guilty 3537
of a specification of the type described in division (A) of 3538
section 2941.1410 of the Revised Code, the court, in lieu of the 3539
prison term otherwise authorized or required, shall impose upon 3540
the offender the mandatory prison term specified in division (B) 3541
(3) of section 2929.14 of the Revised Code. 3542

(F) It is an affirmative defense, as provided in section 3543
2901.05 of the Revised Code, to a charge under this section for 3544
a fifth degree felony violation of illegal cultivation of 3545
marihuana that the marihuana that gave rise to the charge is in 3546
an amount, is in a form, is prepared, compounded, or mixed with 3547
substances that are not controlled substances in a manner, or is 3548
possessed or cultivated under any other circumstances that 3549
indicate that the marihuana was solely for personal use. 3550

Notwithstanding any contrary provision of division (F) of 3551
this section, if, in accordance with section 2901.05 of the 3552
Revised Code, a person who is charged with a violation of 3553
illegal cultivation of marihuana that is a felony of the fifth 3554
degree sustains the burden of going forward with evidence of and 3555
establishes by a preponderance of the evidence the affirmative 3556
defense described in this division, the person may be prosecuted 3557
for and may be convicted of or plead guilty to a misdemeanor 3558
violation of illegal cultivation of marihuana. 3559

(G) Arrest or conviction for a minor misdemeanor violation 3560
of this section does not constitute a criminal record and need 3561
not be reported by the person so arrested or convicted in 3562
response to any inquiries about the person's criminal record, 3563

including any inquiries contained in an application for 3564
employment, a license, or any other right or privilege or made 3565
in connection with the person's appearance as a witness. 3566

(H) (1) If the sentencing court suspends the offender's 3567
driver's or commercial driver's license or permit under this 3568
section in accordance with division (G) of section 2925.03 of 3569
the Revised Code, the offender may request termination of, and 3570
the court may terminate, the suspension of the offender in 3571
accordance with that division. 3572

(2) Any offender who received a mandatory suspension of 3573
the offender's driver's or commercial driver's license or permit 3574
under this section prior to September 13, 2016, may file a 3575
motion with the sentencing court requesting the termination of 3576
the suspension. However, an offender who pleaded guilty to or 3577
was convicted of a violation of section 4511.19 of the Revised 3578
Code or a substantially similar municipal ordinance or law of 3579
another state or the United States that arose out of the same 3580
set of circumstances as the violation for which the offender's 3581
license or permit was suspended under this section shall not 3582
file such a motion. 3583

Upon the filing of a motion under division (H) (2) of this 3584
section, the sentencing court, in its discretion, may terminate 3585
the suspension. 3586

Sec. 2925.041. (A) No person shall knowingly assemble or 3587
possess one or more chemicals that may be used to manufacture a 3588
controlled substance in schedule I or II with the intent to 3589
manufacture a controlled substance in schedule I or II in 3590
violation of section 2925.04 of the Revised Code. 3591

(B) In a prosecution under this section, it is not 3592

necessary to allege or prove that the offender assembled or 3593
possessed all chemicals necessary to manufacture a controlled 3594
substance in schedule I or II. The assembly or possession of a 3595
single chemical that may be used in the manufacture of a 3596
controlled substance in schedule I or II, with the intent to 3597
manufacture a controlled substance in either schedule, is 3598
sufficient to violate this section. 3599

(C) Whoever violates this section is guilty of illegal 3600
assembly or possession of chemicals for the manufacture of 3601
drugs. Except as otherwise provided in this division, illegal 3602
assembly or possession of chemicals for the manufacture of drugs 3603
is a felony of the third degree, and, except as otherwise 3604
provided in division (C)(1) or (2) of this section, division (C) 3605
of section 2929.13 of the Revised Code applies in determining 3606
whether to impose a prison term on the offender. If the offense 3607
was committed in the vicinity of a juvenile or in the vicinity 3608
of a school, illegal assembly or possession of chemicals for the 3609
manufacture of drugs is a felony of the second degree, and, 3610
except as otherwise provided in division (C)(1) or (2) of this 3611
section, division (C) of section 2929.13 of the Revised Code 3612
applies in determining whether to impose a prison term on the 3613
offender. If the violation of division (A) of this section is a 3614
felony of the third degree under this division and if the 3615
chemical or chemicals assembled or possessed in violation of 3616
division (A) of this section may be used to manufacture 3617
methamphetamine, there either is a presumption for a prison term 3618
for the offense or the court shall impose a mandatory prison 3619
term on the offender, determined as follows: 3620

(1) Except as otherwise provided in this division, there 3621
is a presumption for a prison term for the offense. If the 3622
offender two or more times previously has been convicted of or 3623

pleaded guilty to a felony drug abuse offense, except as 3624
otherwise provided in this division, the court shall impose as a 3625
mandatory prison term one of the prison terms prescribed for a 3626
felony of the third degree that is not less than two years. If 3627
the offender two or more times previously has been convicted of 3628
or pleaded guilty to a felony drug abuse offense and if at least 3629
one of those previous convictions or guilty pleas was to a 3630
violation of division (A) of this section, a violation of 3631
division (B) (6) of section 2919.22 of the Revised Code, or a 3632
violation of division (A) of section 2925.04 of the Revised 3633
Code, the court shall impose as a mandatory prison term one of 3634
the prison terms prescribed for a felony of the third degree 3635
that is not less than five years. 3636

(2) If the violation of division (A) of this section is a 3637
felony of the second degree under division (C) of this section 3638
and the chemical or chemicals assembled or possessed in 3639
committing the violation may be used to manufacture 3640
methamphetamine, the court shall impose as a mandatory prison 3641
term a second degree felony mandatory prison term that is not 3642
less than three years. If the violation of division (A) of this 3643
section is a felony of the second degree under division (C) of 3644
this section, if the chemical or chemicals assembled or 3645
possessed in committing the violation may be used to manufacture 3646
methamphetamine, and if the offender previously has been 3647
convicted of or pleaded guilty to a violation of division (A) of 3648
this section, a violation of division (B) (6) of section 2919.22 3649
of the Revised Code, or a violation of division (A) of section 3650
2925.04 of the Revised Code, the court shall impose as a 3651
mandatory prison term a second degree felony mandatory prison 3652
term that is not less than five years. 3653

(D) In addition to any prison term authorized by division 3654

(C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If applicable, the court also shall do the following:

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

(2) If the offender is a professionally licensed person or

a person who has been admitted to the bar by order of the 3686
supreme court in compliance with its prescribed and published 3687
rules, the court shall comply with section 2925.38 of the 3688
Revised Code. 3689

(E) (1) If the sentencing court suspends the offender's 3690
driver's or commercial driver's license or permit under this 3691
section in accordance with division (G) of section 2925.03 of 3692
the Revised Code, the offender may request termination of, and 3693
the court may terminate, the suspension of the offender in 3694
accordance with that division. 3695

(2) Any offender who received a mandatory suspension of 3696
the offender's driver's or commercial driver's license or permit 3697
under this section prior to September 13, 2016, may file a 3698
motion with the sentencing court requesting the termination of 3699
the suspension. However, an offender who pleaded guilty to or 3700
was convicted of a violation of section 4511.19 of the Revised 3701
Code or a substantially similar municipal ordinance or law of 3702
another state or the United States that arose out of the same 3703
set of circumstances as the violation for which the offender's 3704
license or permit was suspended under this section shall not 3705
file such a motion. 3706

Upon the filing of a motion under division (E) (2) of this 3707
section, the sentencing court, in its discretion, may terminate 3708
the suspension. 3709

Sec. 2925.05. (A) No person shall knowingly provide money 3710
or other items of value to another person with the purpose that 3711
the recipient of the money or items of value use them to obtain 3712
any controlled substance for the purpose of violating section 3713
2925.04 of the Revised Code or for the purpose of selling or 3714
offering to sell the controlled substance in the following 3715

amount: 3716

(1) If the drug to be sold or offered for sale is any 3717
compound, mixture, preparation, or substance included in 3718
schedule I or II, with the exception of marihuana, cocaine, 3719
L.S.D., heroin, any fentanyl-related compound, and hashish, or 3720
schedule III, IV, or V, an amount of the drug that equals or 3721
exceeds the bulk amount of the drug; 3722

(2) If the drug to be sold or offered for sale is 3723
marihuana or a compound, mixture, preparation, or substance 3724
other than hashish containing marihuana, an amount of the 3725
marihuana that equals or exceeds two hundred grams; 3726

(3) If the drug to be sold or offered for sale is cocaine 3727
or a compound, mixture, preparation, or substance containing 3728
cocaine, an amount of the cocaine that equals or exceeds five 3729
grams; 3730

(4) If the drug to be sold or offered for sale is L.S.D. 3731
or a compound, mixture, preparation, or substance containing 3732
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 3733
doses if the L.S.D. is in a solid form or equals or exceeds one 3734
gram if the L.S.D. is in a liquid concentrate, liquid extract, 3735
or liquid distillate form; 3736

(5) If the drug to be sold or offered for sale is heroin 3737
or a fentanyl-related compound, or a compound, mixture, 3738
preparation, or substance containing heroin or a fentanyl- 3739
related compound, an amount that equals or exceeds ten unit 3740
doses or equals or exceeds one gram; 3741

(6) If the drug to be sold or offered for sale is hashish 3742
or a compound, mixture, preparation, or substance containing 3743
hashish, an amount of the hashish that equals or exceeds ten 3744

grams if the hashish is in a solid form or equals or exceeds two 3745
grams if the hashish is in a liquid concentrate, liquid extract, 3746
or liquid distillate form. 3747

(B) This section does not apply to any person listed in 3748
division (B) (1), (2), or (3) of section 2925.03 of the Revised 3749
Code to the extent and under the circumstances described in 3750
those divisions. 3751

(C) (1) If the drug involved in the violation is any 3752
compound, mixture, preparation, or substance included in 3753
schedule I or II, with the exception of marihuana, whoever 3754
violates division (A) of this section is guilty of aggravated 3755
funding of drug trafficking, a felony of the first degree, and, 3756
subject to division (E) of this section, the court shall impose 3757
as a mandatory prison term a first degree felony mandatory 3758
prison term. 3759

(2) If the drug involved in the violation is any compound, 3760
mixture, preparation, or substance included in schedule III, IV, 3761
or V, whoever violates division (A) of this section is guilty of 3762
funding of drug trafficking, a felony of the second degree, and 3763
the court shall impose as a mandatory prison term a second 3764
degree felony mandatory prison term. 3765

(3) If the drug involved in the violation is marihuana, 3766
whoever violates division (A) of this section is guilty of 3767
funding of marihuana trafficking, a felony of the third degree, 3768
and, except as otherwise provided in this division, there is a 3769
presumption for a prison term for the offense. If funding of 3770
marihuana trafficking is a felony of the third degree under this 3771
division and if the offender two or more times previously has 3772
been convicted of or pleaded guilty to a felony drug abuse 3773
offense, the court shall impose as a mandatory prison term one 3774

of the prison terms prescribed for a felony of the third degree. 3775

(D) In addition to any prison term authorized or required 3776
by division (C) or (E) of this section and sections 2929.13 and 3777
2929.14 of the Revised Code and in addition to any other 3778
sanction imposed for the offense under this section or sections 3779
2929.11 to 2929.18 of the Revised Code, the court that sentences 3780
an offender who is convicted of or pleads guilty to a violation 3781
of division (A) of this section may suspend the offender's 3782
driver's or commercial driver's license or permit in accordance 3783
with division (G) of section 2925.03 of the Revised Code. 3784
However, if the offender pleaded guilty to or was convicted of a 3785
violation of section 4511.19 of the Revised Code or a 3786
substantially similar municipal ordinance or the law of another 3787
state or the United States arising out of the same set of 3788
circumstances as the violation, the court shall suspend the 3789
offender's driver's or commercial driver's license or permit in 3790
accordance with division (G) of section 2925.03 of the Revised 3791
Code. If applicable, the court also shall do the following: 3792

(1) The court shall impose the mandatory fine specified 3793
for the offense under division (B)(1) of section 2929.18 of the 3794
Revised Code unless, as specified in that division, the court 3795
determines that the offender is indigent. The clerk of the court 3796
shall pay a mandatory fine or other fine imposed for a violation 3797
of this section pursuant to division (A) of section 2929.18 of 3798
the Revised Code in accordance with and subject to the 3799
requirements of division (F) of section 2925.03 of the Revised 3800
Code. The agency that receives the fine shall use the fine in 3801
accordance with division (F) of section 2925.03 of the Revised 3802
Code. If a person is charged with a violation of this section, 3803
posts ~~bail~~ monetary bond, and forfeits the bail, the forfeited 3804
bail shall be paid as if the forfeited bail were a fine imposed 3805

for a violation of this section. 3806

(2) If the offender is a professionally licensed person, 3807
the court immediately shall comply with section 2925.38 of the 3808
Revised Code. 3809

(E) Notwithstanding the prison term otherwise authorized 3810
or required for the offense under division (C) of this section 3811
and sections 2929.13 and 2929.14 of the Revised Code, if the 3812
violation of division (A) of this section involves the sale, 3813
offer to sell, or possession of a schedule I or II controlled 3814
substance, with the exception of marihuana, one of the following 3815
applies: 3816

(1) If the drug involved in the violation is a fentanyl- 3817
related compound, the offense is a felony of the first degree, 3818
the offender is a major drug offender, and the court shall 3819
impose as a mandatory prison term the maximum prison term 3820
prescribed for a felony of the first degree. 3821

(2) If division (E) (1) of this section does not apply and 3822
the court imposing sentence upon the offender finds that the 3823
offender as a result of the violation is a major drug offender 3824
and is guilty of a specification of the type described in 3825
division (A) of section 2941.1410 of the Revised Code, the 3826
court, in lieu of the prison term otherwise authorized or 3827
required, shall impose upon the offender the mandatory prison 3828
term specified in division (B) (3) of section 2929.14 of the 3829
Revised Code. 3830

(F) (1) If the sentencing court suspends the offender's 3831
driver's or commercial driver's license or permit under this 3832
section in accordance with division (G) of section 2925.03 of 3833
the Revised Code, the offender may request termination of, and 3834

the court may terminate, the suspension in accordance with that 3835
division. 3836

(2) Any offender who received a mandatory suspension of 3837
the offender's driver's or commercial driver's license or permit 3838
under this section prior to September 13, 2016, may file a 3839
motion with the sentencing court requesting the termination of 3840
the suspension. However, an offender who pleaded guilty to or 3841
was convicted of a violation of section 4511.19 of the Revised 3842
Code or a substantially similar municipal ordinance or law of 3843
another state or the United States that arose out of the same 3844
set of circumstances as the violation for which the offender's 3845
license or permit was suspended under this section shall not 3846
file such a motion. 3847

Upon the filing of a motion under division (F)(2) of this 3848
section, the sentencing court, in its discretion, may terminate 3849
the suspension. 3850

Sec. 2925.11. (A) No person shall knowingly obtain, 3851
possess, or use a controlled substance or a controlled substance 3852
analog. 3853

(B)(1) This section does not apply to any of the 3854
following: 3855

(a) Manufacturers, licensed health professionals 3856
authorized to prescribe drugs, pharmacists, owners of 3857
pharmacies, and other persons whose conduct was in accordance 3858
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 3859
4741. of the Revised Code; 3860

(b) If the offense involves an anabolic steroid, any 3861
person who is conducting or participating in a research project 3862
involving the use of an anabolic steroid if the project has been 3863

approved by the United States food and drug administration; 3864

(c) Any person who sells, offers for sale, prescribes, 3865
dispenses, or administers for livestock or other nonhuman 3866
species an anabolic steroid that is expressly intended for 3867
administration through implants to livestock or other nonhuman 3868
species and approved for that purpose under the "Federal Food, 3869
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 3870
as amended, and is sold, offered for sale, prescribed, 3871
dispensed, or administered for that purpose in accordance with 3872
that act; 3873

(d) Any person who obtained the controlled substance 3874
pursuant to a prescription issued by a licensed health 3875
professional authorized to prescribe drugs if the prescription 3876
was issued for a legitimate medical purpose and not altered, 3877
forged, or obtained through deception or commission of a theft 3878
offense. 3879

As used in division (B) (1) (d) of this section, "deception" 3880
and "theft offense" have the same meanings as in section 2913.01 3881
of the Revised Code. 3882

(2) (a) As used in division (B) (2) of this section: 3883

(i) "Community addiction services provider" has the same 3884
meaning as in section 5119.01 of the Revised Code. 3885

(ii) "Community control sanction" and "drug treatment 3886
program" have the same meanings as in section 2929.01 of the 3887
Revised Code. 3888

(iii) "Health care facility" has the same meaning as in 3889
section 2919.16 of the Revised Code. 3890

(iv) "Minor drug possession offense" means a violation of 3891

this section that is a misdemeanor or a felony of the fifth 3892
degree. 3893

(v) "Post-release control sanction" has the same meaning 3894
as in section 2967.28 of the Revised Code. 3895

(vi) "Peace officer" has the same meaning as in section 3896
2935.01 of the Revised Code. 3897

(vii) "Public agency" has the same meaning as in section 3898
2930.01 of the Revised Code. 3899

(viii) "Qualified individual" means a person who is not on 3900
community control or post-release control and is a person acting 3901
in good faith who seeks or obtains medical assistance for 3902
another person who is experiencing a drug overdose, a person who 3903
experiences a drug overdose and who seeks medical assistance for 3904
that overdose, or a person who is the subject of another person 3905
seeking or obtaining medical assistance for that overdose as 3906
described in division (B) (2) (b) of this section. 3907

(ix) "Seek or obtain medical assistance" includes, but is 3908
not limited to making a 9-1-1 call, contacting in person or by 3909
telephone call an on-duty peace officer, or transporting or 3910
presenting a person to a health care facility. 3911

(b) Subject to division (B) (2) (f) of this section, a 3912
qualified individual shall not be arrested, charged, prosecuted, 3913
convicted, or penalized pursuant to this chapter for a minor 3914
drug possession offense if all of the following apply: 3915

(i) The evidence of the obtaining, possession, or use of 3916
the controlled substance or controlled substance analog that 3917
would be the basis of the offense was obtained as a result of 3918
the qualified individual seeking the medical assistance or 3919
experiencing an overdose and needing medical assistance. 3920

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

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

(c) If a person is found to be in violation of any
community control sanction and if the violation is a result of
either of the following, the court shall first consider ordering
the person's participation or continued participation in a drug
treatment program or mitigating the penalty specified in section
2929.13, 2929.15, or 2929.25 of the Revised Code, whichever is
applicable, after which the court has the discretion either to
order the person's participation or continued participation in a
drug treatment program or to impose the penalty with the
mitigating factor specified in any of those applicable sections:

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

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

(d) If a person is found to be in violation of any post- 3951
release control sanction and if the violation is a result of 3952
either of the following, the court or the parole board shall 3953
first consider ordering the person's participation or continued 3954
participation in a drug treatment program or mitigating the 3955
penalty specified in section 2929.141 or 2967.28 of the Revised 3956
Code, whichever is applicable, after which the court or the 3957
parole board has the discretion either to order the person's 3958
participation or continued participation in a drug treatment 3959
program or to impose the penalty with the mitigating factor 3960
specified in either of those applicable sections: 3961

(i) Seeking or obtaining medical assistance in good faith 3962
for another person who is experiencing a drug overdose; 3963

(ii) Experiencing a drug overdose and seeking medical 3964
assistance for that emergency or being the subject of another 3965
person seeking or obtaining medical assistance for that overdose 3966
as described in division (B) (2) (b) of this section. 3967

(e) Nothing in division (B) (2) (b) of this section shall be 3968
construed to do any of the following: 3969

(i) Limit the admissibility of any evidence in connection 3970
with the investigation or prosecution of a crime with regards to 3971
a defendant who does not qualify for the protections of division 3972
(B) (2) (b) of this section or with regards to any crime other 3973
than a minor drug possession offense committed by a person who 3974
qualifies for protection pursuant to division (B) (2) (b) of this 3975
section for a minor drug possession offense; 3976

(ii) Limit any seizure of evidence or contraband otherwise 3977
permitted by law; 3978

(iii) Limit or abridge the authority of a peace officer to 3979

detain or take into custody a person in the course of an 3980
investigation or to effectuate an arrest for any offense except 3981
as provided in that division; 3982

(iv) Limit, modify, or remove any immunity from liability 3983
available pursuant to law in effect prior to September 13, 2016, 3984
to any public agency or to an employee of any public agency. 3985

(f) Division (B) (2) (b) of this section does not apply to 3986
any person who twice previously has been granted an immunity 3987
under division (B) (2) (b) of this section. No person shall be 3988
granted an immunity under division (B) (2) (b) of this section 3989
more than two times. 3990

(g) Nothing in this section shall compel any qualified 3991
individual to disclose protected health information in a way 3992
that conflicts with the requirements of the "Health Insurance 3993
Portability and Accountability Act of 1996," 104 Pub. L. No. 3994
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 3995
regulations promulgated by the United States department of 3996
health and human services to implement the act or the 3997
requirements of 42 C.F.R. Part 2. 3998

(C) Whoever violates division (A) of this section is 3999
guilty of one of the following: 4000

(1) If the drug involved in the violation is a compound, 4001
mixture, preparation, or substance included in schedule I or II, 4002
with the exception of marihuana, cocaine, L.S.D., heroin, any 4003
fentanyl-related compound, hashish, and any controlled substance 4004
analog, whoever violates division (A) of this section is guilty 4005
of aggravated possession of drugs. The penalty for the offense 4006
shall be determined as follows: 4007

(a) Except as otherwise provided in division (C) (1) (b), 4008

(c), (d), or (e) of this section, aggravated possession of drugs 4009
is a felony of the fifth degree, and division (B) of section 4010
2929.13 of the Revised Code applies in determining whether to 4011
impose a prison term on the offender. 4012

(b) If the amount of the drug involved equals or exceeds 4013
the bulk amount but is less than five times the bulk amount, 4014
aggravated possession of drugs is a felony of the third degree, 4015
and there is a presumption for a prison term for the offense. 4016

(c) If the amount of the drug involved equals or exceeds 4017
five times the bulk amount but is less than fifty times the bulk 4018
amount, aggravated possession of drugs is a felony of the second 4019
degree, and the court shall impose as a mandatory prison term a 4020
second degree felony mandatory prison term. 4021

(d) If the amount of the drug involved equals or exceeds 4022
fifty times the bulk amount but is less than one hundred times 4023
the bulk amount, aggravated possession of drugs is a felony of 4024
the first degree, and the court shall impose as a mandatory 4025
prison term a first degree felony mandatory prison term. 4026

(e) If the amount of the drug involved equals or exceeds 4027
one hundred times the bulk amount, aggravated possession of 4028
drugs is a felony of the first degree, the offender is a major 4029
drug offender, and the court shall impose as a mandatory prison 4030
term a maximum first degree felony mandatory prison term. 4031

(2) If the drug involved in the violation is a compound, 4032
mixture, preparation, or substance included in schedule III, IV, 4033
or V, whoever violates division (A) of this section is guilty of 4034
possession of drugs. The penalty for the offense shall be 4035
determined as follows: 4036

(a) Except as otherwise provided in division (C) (2) (b), 4037

(c), or (d) of this section, possession of drugs is a 4038
misdemeanor of the first degree or, if the offender previously 4039
has been convicted of a drug abuse offense, a felony of the 4040
fifth degree. 4041

(b) If the amount of the drug involved equals or exceeds 4042
the bulk amount but is less than five times the bulk amount, 4043
possession of drugs is a felony of the fourth degree, and 4044
division (C) of section 2929.13 of the Revised Code applies in 4045
determining whether to impose a prison term on the offender. 4046

(c) If the amount of the drug involved equals or exceeds 4047
five times the bulk amount but is less than fifty times the bulk 4048
amount, possession of drugs is a felony of the third degree, and 4049
there is a presumption for a prison term for the offense. 4050

(d) If the amount of the drug involved equals or exceeds 4051
fifty times the bulk amount, possession of drugs is a felony of 4052
the second degree, and the court shall impose upon the offender 4053
as a mandatory prison term a second degree felony mandatory 4054
prison term. 4055

(3) If the drug involved in the violation is marihuana or 4056
a compound, mixture, preparation, or substance containing 4057
marihuana other than hashish, whoever violates division (A) of 4058
this section is guilty of possession of marihuana. The penalty 4059
for the offense shall be determined as follows: 4060

(a) Except as otherwise provided in division (C) (3) (b), 4061
(c), (d), (e), (f), or (g) of this section, possession of 4062
marihuana is a minor misdemeanor. 4063

(b) If the amount of the drug involved equals or exceeds 4064
one hundred grams but is less than two hundred grams, possession 4065
of marihuana is a misdemeanor of the fourth degree. 4066

(c) If the amount of the drug involved equals or exceeds 4067
two hundred grams but is less than one thousand grams, 4068
possession of marihuana is a felony of the fifth degree, and 4069
division (B) of section 2929.13 of the Revised Code applies in 4070
determining whether to impose a prison term on the offender. 4071

(d) If the amount of the drug involved equals or exceeds 4072
one thousand grams but is less than five thousand grams, 4073
possession of marihuana is a felony of the third degree, and 4074
division (C) of section 2929.13 of the Revised Code applies in 4075
determining whether to impose a prison term on the offender. 4076

(e) If the amount of the drug involved equals or exceeds 4077
five thousand grams but is less than twenty thousand grams, 4078
possession of marihuana is a felony of the third degree, and 4079
there is a presumption that a prison term shall be imposed for 4080
the offense. 4081

(f) If the amount of the drug involved equals or exceeds 4082
twenty thousand grams but is less than forty thousand grams, 4083
possession of marihuana is a felony of the second degree, and 4084
the court shall impose as a mandatory prison term a second 4085
degree felony mandatory prison term of five, six, seven, or 4086
eight years. 4087

(g) If the amount of the drug involved equals or exceeds 4088
forty thousand grams, possession of marihuana is a felony of the 4089
second degree, and the court shall impose as a mandatory prison 4090
term a maximum second degree felony mandatory prison term. 4091

(4) If the drug involved in the violation is cocaine or a 4092
compound, mixture, preparation, or substance containing cocaine, 4093
whoever violates division (A) of this section is guilty of 4094
possession of cocaine. The penalty for the offense shall be 4095

determined as follows: 4096

(a) Except as otherwise provided in division (C) (4) (b), 4097
(c), (d), (e), or (f) of this section, possession of cocaine is 4098
a felony of the fifth degree, and division (B) of section 4099
2929.13 of the Revised Code applies in determining whether to 4100
impose a prison term on the offender. 4101

(b) If the amount of the drug involved equals or exceeds 4102
five grams but is less than ten grams of cocaine, possession of 4103
cocaine is a felony of the fourth degree, and division (B) of 4104
section 2929.13 of the Revised Code applies in determining 4105
whether to impose a prison term on the offender. 4106

(c) If the amount of the drug involved equals or exceeds 4107
ten grams but is less than twenty grams of cocaine, possession 4108
of cocaine is a felony of the third degree, and, except as 4109
otherwise provided in this division, there is a presumption for 4110
a prison term for the offense. If possession of cocaine is a 4111
felony of the third degree under this division and if the 4112
offender two or more times previously has been convicted of or 4113
pleaded guilty to a felony drug abuse offense, the court shall 4114
impose as a mandatory prison term one of the prison terms 4115
prescribed for a felony of the third degree. 4116

(d) If the amount of the drug involved equals or exceeds 4117
twenty grams but is less than twenty-seven grams of cocaine, 4118
possession of cocaine is a felony of the second degree, and the 4119
court shall impose as a mandatory prison term a second degree 4120
felony mandatory prison term. 4121

(e) If the amount of the drug involved equals or exceeds 4122
twenty-seven grams but is less than one hundred grams of 4123
cocaine, possession of cocaine is a felony of the first degree, 4124

and the court shall impose as a mandatory prison term a first 4125
degree felony mandatory prison term. 4126

(f) If the amount of the drug involved equals or exceeds 4127
one hundred grams of cocaine, possession of cocaine is a felony 4128
of the first degree, the offender is a major drug offender, and 4129
the court shall impose as a mandatory prison term a maximum 4130
first degree felony mandatory prison term. 4131

(5) If the drug involved in the violation is L.S.D., 4132
whoever violates division (A) of this section is guilty of 4133
possession of L.S.D. The penalty for the offense shall be 4134
determined as follows: 4135

(a) Except as otherwise provided in division (C) (5) (b), 4136
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 4137
felony of the fifth degree, and division (B) of section 2929.13 4138
of the Revised Code applies in determining whether to impose a 4139
prison term on the offender. 4140

(b) If the amount of L.S.D. involved equals or exceeds ten 4141
unit doses but is less than fifty unit doses of L.S.D. in a 4142
solid form or equals or exceeds one gram but is less than five 4143
grams of L.S.D. in a liquid concentrate, liquid extract, or 4144
liquid distillate form, possession of L.S.D. is a felony of the 4145
fourth degree, and division (C) of section 2929.13 of the 4146
Revised Code applies in determining whether to impose a prison 4147
term on the offender. 4148

(c) If the amount of L.S.D. involved equals or exceeds 4149
fifty unit doses, but is less than two hundred fifty unit doses 4150
of L.S.D. in a solid form or equals or exceeds five grams but is 4151
less than twenty-five grams of L.S.D. in a liquid concentrate, 4152
liquid extract, or liquid distillate form, possession of L.S.D. 4153

is a felony of the third degree, and there is a presumption for 4154
a prison term for the offense. 4155

(d) If the amount of L.S.D. involved equals or exceeds two 4156
hundred fifty unit doses but is less than one thousand unit 4157
doses of L.S.D. in a solid form or equals or exceeds twenty-five 4158
grams but is less than one hundred grams of L.S.D. in a liquid 4159
concentrate, liquid extract, or liquid distillate form, 4160
possession of L.S.D. is a felony of the second degree, and the 4161
court shall impose as a mandatory prison term a second degree 4162
felony mandatory prison term. 4163

(e) If the amount of L.S.D. involved equals or exceeds one 4164
thousand unit doses but is less than five thousand unit doses of 4165
L.S.D. in a solid form or equals or exceeds one hundred grams 4166
but is less than five hundred grams of L.S.D. in a liquid 4167
concentrate, liquid extract, or liquid distillate form, 4168
possession of L.S.D. is a felony of the first degree, and the 4169
court shall impose as a mandatory prison term a first degree 4170
felony mandatory prison term. 4171

(f) If the amount of L.S.D. involved equals or exceeds 4172
five thousand unit doses of L.S.D. in a solid form or equals or 4173
exceeds five hundred grams of L.S.D. in a liquid concentrate, 4174
liquid extract, or liquid distillate form, possession of L.S.D. 4175
is a felony of the first degree, the offender is a major drug 4176
offender, and the court shall impose as a mandatory prison term 4177
a maximum first degree felony mandatory prison term. 4178

(6) If the drug involved in the violation is heroin or a 4179
compound, mixture, preparation, or substance containing heroin, 4180
whoever violates division (A) of this section is guilty of 4181
possession of heroin. The penalty for the offense shall be 4182
determined as follows: 4183

(a) Except as otherwise provided in division (C) (6) (b), 4184
(c), (d), (e), or (f) of this section, possession of heroin is a 4185
felony of the fifth degree, and division (B) of section 2929.13 4186
of the Revised Code applies in determining whether to impose a 4187
prison term on the offender. 4188

(b) If the amount of the drug involved equals or exceeds 4189
ten unit doses but is less than fifty unit doses or equals or 4190
exceeds one gram but is less than five grams, possession of 4191
heroin is a felony of the fourth degree, and division (C) of 4192
section 2929.13 of the Revised Code applies in determining 4193
whether to impose a prison term on the offender. 4194

(c) If the amount of the drug involved equals or exceeds 4195
fifty unit doses but is less than one hundred unit doses or 4196
equals or exceeds five grams but is less than ten grams, 4197
possession of heroin is a felony of the third degree, and there 4198
is a presumption for a prison term for the offense. 4199

(d) If the amount of the drug involved equals or exceeds 4200
one hundred unit doses but is less than five hundred unit doses 4201
or equals or exceeds ten grams but is less than fifty grams, 4202
possession of heroin is a felony of the second degree, and the 4203
court shall impose as a mandatory prison term a second degree 4204
felony mandatory prison term. 4205

(e) If the amount of the drug involved equals or exceeds 4206
five hundred unit doses but is less than one thousand unit doses 4207
or equals or exceeds fifty grams but is less than one hundred 4208
grams, possession of heroin is a felony of the first degree, and 4209
the court shall impose as a mandatory prison term a first degree 4210
felony mandatory prison term. 4211

(f) If the amount of the drug involved equals or exceeds 4212

one thousand unit doses or equals or exceeds one hundred grams, 4213
possession of heroin is a felony of the first degree, the 4214
offender is a major drug offender, and the court shall impose as 4215
a mandatory prison term a maximum first degree felony mandatory 4216
prison term. 4217

(7) If the drug involved in the violation is hashish or a 4218
compound, mixture, preparation, or substance containing hashish, 4219
whoever violates division (A) of this section is guilty of 4220
possession of hashish. The penalty for the offense shall be 4221
determined as follows: 4222

(a) Except as otherwise provided in division (C) (7) (b), 4223
(c), (d), (e), (f), or (g) of this section, possession of 4224
hashish is a minor misdemeanor. 4225

(b) If the amount of the drug involved equals or exceeds 4226
five grams but is less than ten grams of hashish in a solid form 4227
or equals or exceeds one gram but is less than two grams of 4228
hashish in a liquid concentrate, liquid extract, or liquid 4229
distillate form, possession of hashish is a misdemeanor of the 4230
fourth degree. 4231

(c) If the amount of the drug involved equals or exceeds 4232
ten grams but is less than fifty grams of hashish in a solid 4233
form or equals or exceeds two grams but is less than ten grams 4234
of hashish in a liquid concentrate, liquid extract, or liquid 4235
distillate form, possession of hashish is a felony of the fifth 4236
degree, and division (B) of section 2929.13 of the Revised Code 4237
applies in determining whether to impose a prison term on the 4238
offender. 4239

(d) If the amount of the drug involved equals or exceeds 4240
fifty grams but is less than two hundred fifty grams of hashish 4241

in a solid form or equals or exceeds ten grams but is less than 4242
fifty grams of hashish in a liquid concentrate, liquid extract, 4243
or liquid distillate form, possession of hashish is a felony of 4244
the third degree, and division (C) of section 2929.13 of the 4245
Revised Code applies in determining whether to impose a prison 4246
term on the offender. 4247

(e) If the amount of the drug involved equals or exceeds 4248
two hundred fifty grams but is less than one thousand grams of 4249
hashish in a solid form or equals or exceeds fifty grams but is 4250
less than two hundred grams of hashish in a liquid concentrate, 4251
liquid extract, or liquid distillate form, possession of hashish 4252
is a felony of the third degree, and there is a presumption that 4253
a prison term shall be imposed for the offense. 4254

(f) If the amount of the drug involved equals or exceeds 4255
one thousand grams but is less than two thousand grams of 4256
hashish in a solid form or equals or exceeds two hundred grams 4257
but is less than four hundred grams of hashish in a liquid 4258
concentrate, liquid extract, or liquid distillate form, 4259
possession of hashish is a felony of the second degree, and the 4260
court shall impose as a mandatory prison term a second degree 4261
felony mandatory prison term of five, six, seven, or eight 4262
years. 4263

(g) If the amount of the drug involved equals or exceeds 4264
two thousand grams of hashish in a solid form or equals or 4265
exceeds four hundred grams of hashish in a liquid concentrate, 4266
liquid extract, or liquid distillate form, possession of hashish 4267
is a felony of the second degree, and the court shall impose as 4268
a mandatory prison term a maximum second degree felony mandatory 4269
prison term. 4270

(8) If the drug involved is a controlled substance analog 4271

or compound, mixture, preparation, or substance that contains a 4272
controlled substance analog, whoever violates division (A) of 4273
this section is guilty of possession of a controlled substance 4274
analog. The penalty for the offense shall be determined as 4275
follows: 4276

(a) Except as otherwise provided in division (C) (8) (b), 4277
(c), (d), (e), or (f) of this section, possession of a 4278
controlled substance analog is a felony of the fifth degree, and 4279
division (B) of section 2929.13 of the Revised Code applies in 4280
determining whether to impose a prison term on the offender. 4281

(b) If the amount of the drug involved equals or exceeds 4282
ten grams but is less than twenty grams, possession of a 4283
controlled substance analog is a felony of the fourth degree, 4284
and there is a presumption for a prison term for the offense. 4285

(c) If the amount of the drug involved equals or exceeds 4286
twenty grams but is less than thirty grams, possession of a 4287
controlled substance analog is a felony of the third degree, and 4288
there is a presumption for a prison term for the offense. 4289

(d) If the amount of the drug involved equals or exceeds 4290
thirty grams but is less than forty grams, possession of a 4291
controlled substance analog is a felony of the second degree, 4292
and the court shall impose as a mandatory prison term a second 4293
degree felony mandatory prison term. 4294

(e) If the amount of the drug involved equals or exceeds 4295
forty grams but is less than fifty grams, possession of a 4296
controlled substance analog is a felony of the first degree, and 4297
the court shall impose as a mandatory prison term a first degree 4298
felony mandatory prison term. 4299

(f) If the amount of the drug involved equals or exceeds 4300

fifty grams, possession of a controlled substance analog is a 4301
felony of the first degree, the offender is a major drug 4302
offender, and the court shall impose as a mandatory prison term 4303
a maximum first degree felony mandatory prison term. 4304

(9) If the drug involved in the violation is a compound, 4305
mixture, preparation, or substance that is a combination of a 4306
fentanyl-related compound and marihuana, one of the following 4307
applies: 4308

(a) Except as otherwise provided in division (C) (9) (b) of 4309
this section, the offender is guilty of possession of marihuana 4310
and shall be punished as provided in division (C) (3) of this 4311
section. Except as otherwise provided in division (C) (9) (b) of 4312
this section, the offender is not guilty of possession of a 4313
fentanyl-related compound under division (C) (11) of this section 4314
and shall not be charged with, convicted of, or punished under 4315
division (C) (11) of this section for possession of a fentanyl- 4316
related compound. 4317

(b) If the offender knows or has reason to know that the 4318
compound, mixture, preparation, or substance that is the drug 4319
involved contains a fentanyl-related compound, the offender is 4320
guilty of possession of a fentanyl-related compound and shall be 4321
punished under division (C) (11) of this section. 4322

(10) If the drug involved in the violation is a compound, 4323
mixture, preparation, or substance that is a combination of a 4324
fentanyl-related compound and any schedule III, schedule IV, or 4325
schedule V controlled substance that is not a fentanyl-related 4326
compound, one of the following applies: 4327

(a) Except as otherwise provided in division (C) (10) (b) of 4328
this section, the offender is guilty of possession of drugs and 4329

shall be punished as provided in division (C) (2) of this 4330
section. Except as otherwise provided in division (C) (10) (b) of 4331
this section, the offender is not guilty of possession of a 4332
fentanyl-related compound under division (C) (11) of this section 4333
and shall not be charged with, convicted of, or punished under 4334
division (C) (11) of this section for possession of a fentanyl- 4335
related compound. 4336

(b) If the offender knows or has reason to know that the 4337
compound, mixture, preparation, or substance that is the drug 4338
involved contains a fentanyl-related compound, the offender is 4339
guilty of possession of a fentanyl-related compound and shall be 4340
punished under division (C) (11) of this section. 4341

(11) If the drug involved in the violation is a fentanyl- 4342
related compound and neither division (C) (9) (a) nor division (C) 4343
(10) (a) of this section applies to the drug involved, or is a 4344
compound, mixture, preparation, or substance that contains a 4345
fentanyl-related compound or is a combination of a fentanyl- 4346
related compound and any other controlled substance and neither 4347
division (C) (9) (a) nor division (C) (10) (a) of this section 4348
applies to the drug involved, whoever violates division (A) of 4349
this section is guilty of possession of a fentanyl-related 4350
compound. The penalty for the offense shall be determined as 4351
follows: 4352

(a) Except as otherwise provided in division (C) (11) (b), 4353
(c), (d), (e), (f), or (g) of this section, possession of a 4354
fentanyl-related compound is a felony of the fifth degree, and 4355
division (B) of section 2929.13 of the Revised Code applies in 4356
determining whether to impose a prison term on the offender. 4357

(b) If the amount of the drug involved equals or exceeds 4358
ten unit doses but is less than fifty unit doses or equals or 4359

exceeds one gram but is less than five grams, possession of a 4360
fentanyl-related compound is a felony of the fourth degree, and 4361
division (C) of section 2929.13 of the Revised Code applies in 4362
determining whether to impose a prison term on the offender. 4363

(c) If the amount of the drug involved equals or exceeds 4364
fifty unit doses but is less than one hundred unit doses or 4365
equals or exceeds five grams but is less than ten grams, 4366
possession of a fentanyl-related compound is a felony of the 4367
third degree, and there is a presumption for a prison term for 4368
the offense. 4369

(d) If the amount of the drug involved equals or exceeds 4370
one hundred unit doses but is less than two hundred unit doses 4371
or equals or exceeds ten grams but is less than twenty grams, 4372
possession of a fentanyl-related compound is a felony of the 4373
second degree, and the court shall impose as a mandatory prison 4374
term one of the prison terms prescribed for a felony of the 4375
second degree. 4376

(e) If the amount of the drug involved equals or exceeds 4377
two hundred unit doses but is less than five hundred unit doses 4378
or equals or exceeds twenty grams but is less than fifty grams, 4379
possession of a fentanyl-related compound is a felony of the 4380
first degree, and the court shall impose as a mandatory prison 4381
term one of the prison terms prescribed for a felony of the 4382
first degree. 4383

(f) If the amount of the drug involved equals or exceeds 4384
five hundred unit doses but is less than one thousand unit doses 4385
or equals or exceeds fifty grams but is less than one hundred 4386
grams, possession of a fentanyl-related compound is a felony of 4387
the first degree, and the court shall impose as a mandatory 4388
prison term the maximum prison term prescribed for a felony of 4389

the first degree. 4390

(g) If the amount of the drug involved equals or exceeds 4391
one thousand unit doses or equals or exceeds one hundred grams, 4392
possession of a fentanyl-related compound is a felony of the 4393
first degree, the offender is a major drug offender, and the 4394
court shall impose as a mandatory prison term the maximum prison 4395
term prescribed for a felony of the first degree. 4396

(D) Arrest or conviction for a minor misdemeanor violation 4397
of this section does not constitute a criminal record and need 4398
not be reported by the person so arrested or convicted in 4399
response to any inquiries about the person's criminal record, 4400
including any inquiries contained in any application for 4401
employment, license, or other right or privilege, or made in 4402
connection with the person's appearance as a witness. 4403

(E) In addition to any prison term or jail term authorized 4404
or required by division (C) of this section and sections 4405
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 4406
Code and in addition to any other sanction that is imposed for 4407
the offense under this section, sections 2929.11 to 2929.18, or 4408
sections 2929.21 to 2929.28 of the Revised Code, the court that 4409
sentences an offender who is convicted of or pleads guilty to a 4410
violation of division (A) of this section may suspend the 4411
offender's driver's or commercial driver's license or permit for 4412
not more than five years. However, if the offender pleaded 4413
guilty to or was convicted of a violation of section 4511.19 of 4414
the Revised Code or a substantially similar municipal ordinance 4415
or the law of another state or the United States arising out of 4416
the same set of circumstances as the violation, the court shall 4417
suspend the offender's driver's or commercial driver's license 4418
or permit for not more than five years. If applicable, the court 4419

also shall do the following: 4420

(1) (a) If the violation is a felony of the first, second, 4421
or third degree, the court shall impose upon the offender the 4422
mandatory fine specified for the offense under division (B) (1) 4423
of section 2929.18 of the Revised Code unless, as specified in 4424
that division, the court determines that the offender is 4425
indigent. 4426

(b) Notwithstanding any contrary provision of section 4427
3719.21 of the Revised Code, the clerk of the court shall pay a 4428
mandatory fine or other fine imposed for a violation of this 4429
section pursuant to division (A) of section 2929.18 of the 4430
Revised Code in accordance with and subject to the requirements 4431
of division (F) of section 2925.03 of the Revised Code. The 4432
agency that receives the fine shall use the fine as specified in 4433
division (F) of section 2925.03 of the Revised Code. 4434

(c) If a person is charged with a violation of this 4435
section that is a felony of the first, second, or third degree, 4436
posts ~~bail~~ monetary bond, and forfeits the bail, the clerk 4437
shall pay the forfeited bail pursuant to division (E) (1) (b) of 4438
this section as if it were a mandatory fine imposed under 4439
division (E) (1) (a) of this section. 4440

(2) If the offender is a professionally licensed person, 4441
in addition to any other sanction imposed for a violation of 4442
this section, the court immediately shall comply with section 4443
2925.38 of the Revised Code. 4444

(F) It is an affirmative defense, as provided in section 4445
2901.05 of the Revised Code, to a charge of a fourth degree 4446
felony violation under this section that the controlled 4447
substance that gave rise to the charge is in an amount, is in a 4448

form, is prepared, compounded, or mixed with substances that are 4449
not controlled substances in a manner, or is possessed under any 4450
other circumstances, that indicate that the substance was 4451
possessed solely for personal use. Notwithstanding any contrary 4452
provision of this section, if, in accordance with section 4453
2901.05 of the Revised Code, an accused who is charged with a 4454
fourth degree felony violation of division (C) (2), (4), (5), or 4455
(6) of this section sustains the burden of going forward with 4456
evidence of and establishes by a preponderance of the evidence 4457
the affirmative defense described in this division, the accused 4458
may be prosecuted for and may plead guilty to or be convicted of 4459
a misdemeanor violation of division (C) (2) of this section or a 4460
fifth degree felony violation of division (C) (4), (5), or (6) of 4461
this section respectively. 4462

(G) When a person is charged with possessing a bulk amount 4463
or multiple of a bulk amount, division (E) of section 2925.03 of 4464
the Revised Code applies regarding the determination of the 4465
amount of the controlled substance involved at the time of the 4466
offense. 4467

(H) It is an affirmative defense to a charge of possession 4468
of a controlled substance analog under division (C) (8) of this 4469
section that the person charged with violating that offense 4470
obtained, possessed, or used one of the following items that are 4471
excluded from the meaning of "controlled substance analog" under 4472
section 3719.01 of the Revised Code: 4473

(1) A controlled substance; 4474

(2) Any substance for which there is an approved new drug 4475
application; 4476

(3) With respect to a particular person, any substance if 4477

an exemption is in effect for investigational use for that 4478
person pursuant to federal law to the extent that conduct with 4479
respect to that substance is pursuant to that exemption. 4480

(I) Any offender who received a mandatory suspension of 4481
the offender's driver's or commercial driver's license or permit 4482
under this section prior to September 13, 2016, may file a 4483
motion with the sentencing court requesting the termination of 4484
the suspension. However, an offender who pleaded guilty to or 4485
was convicted of a violation of section 4511.19 of the Revised 4486
Code or a substantially similar municipal ordinance or law of 4487
another state or the United States that arose out of the same 4488
set of circumstances as the violation for which the offender's 4489
license or permit was suspended under this section shall not 4490
file such a motion. 4491

Upon the filing of a motion under division (I) of this 4492
section, the sentencing court, in its discretion, may terminate 4493
the suspension. 4494

Sec. 2935.10. (A) Upon the filing of an affidavit or 4495
complaint as provided by section 2935.09 of the Revised Code, if 4496
it charges the commission of a felony, such judge, clerk, or 4497
magistrate, unless ~~he~~ the judge, clerk, or magistrate has reason 4498
to believe that it was not filed in good faith, or the claim is 4499
not meritorious, shall forthwith issue a warrant for the arrest 4500
of the person charged in the affidavit, and directed to a peace 4501
officer; otherwise ~~he~~ the judge, clerk, or magistrate shall 4502
forthwith refer the matter to the prosecuting attorney or other 4503
attorney charged by law with prosecution for investigation prior 4504
to the issuance of warrant. 4505

(B) If the offense charged is a misdemeanor or violation 4506
of a municipal ordinance, such judge, clerk, or magistrate may: 4507

(1) Issue a warrant for the arrest of such person, 4508
directed to any officer named in section 2935.03 of the Revised 4509
Code but in cases of ordinance violation only to a police 4510
officer or marshal or deputy marshal of the municipal 4511
corporation; 4512

(2) Issue summons, to be served by a peace officer, 4513
bailiff, or court constable, commanding the person against whom 4514
the affidavit or complaint was filed to appear forthwith, or at 4515
a fixed time in the future, before such court or magistrate. 4516
Such summons shall be served in the same manner as in civil 4517
cases. 4518

(C) If the affidavit is filed by, or the complaint is 4519
filed pursuant to an affidavit executed by, a peace officer who 4520
has, at ~~his~~ the officer's discretion, at the time of commission 4521
of the alleged offense, notified the person to appear before the 4522
court or magistrate at a specific time set by such officer, no 4523
process need be issued unless the defendant fails to appear at 4524
the scheduled time. 4525

(D) Any person charged with a misdemeanor ~~or shall be~~ 4526
released on an unsecured bond or after a conditions of release 4527
hearing as provided in section 2937.012 of the Revised Code. Any 4528
person charged with a violation of a municipal ordinance may 4529
~~give bail as provided in sections 2937.22 to 2937.46 of the~~ 4530
~~Revised Code, shall be released on an unsecured bond for his the~~ 4531
person's appearance, regardless of whether a warrant, summons, 4532
or notice to appear has been issued. 4533

(E) Any warrant, summons, or any notice issued by the 4534
peace officer shall state the substance of the charge against 4535
the person arrested or directed to appear. 4536

(F) When the offense charged is a misdemeanor, and the
warrant or summons issued pursuant to this section is not served
within two years of the date of issue, a judge or magistrate may
order such warrant or summons withdrawn and the case closed,
when it does not appear that the ends of justice require keeping
the case open.

(G) As used in this section, "unsecured bond" has the same
meaning as in section 2937.01 of the Revised Code.

Sec. 2935.13. Upon the arrest of any person pursuant to
warrant, ~~he~~ the person shall forthwith be taken before the court
or magistrate issuing the same, if such court be in session or
such magistrate available, and proceedings had as provided in
sections 2937.01 to 2937.46, inclusive, of the Revised Code. If
such court be not in session and a misdemeanor or ordinance
violation is charged, ~~he~~ the defendant shall be taken before the
clerk or deputy clerk of the court and let to bail, ~~as provided
in sections 2937.22 to 2937.46, inclusive, of the Revised Code,
if~~ post an unsecured bond for the defendant's appearance. If the
magistrate be not available, or if the defendant is arrested in
a county other than that of the issuing court or magistrate ~~he~~
the defendant shall forthwith be taken before the most
convenient magistrate, clerk, or deputy clerk of a court of
record, and there let to bail for ~~his~~ the defendant's appearance
before the issuing court or magistrate within a reasonable time
to be set by such clerk.

Sec. 2935.14. If the person arrested is ~~unable to offer
sufficient bail or, if the offense charged be a felony, he~~ not
released, the person arrested shall, prior to being confined or
removed from the county of arrest, as the case may be, be
speedily permitted facilities to communicate with an attorney at

law of ~~his~~ the person's own choice, or to communicate with at 4567
least one relative or other person for the purpose of obtaining 4568
counsel (or in cases of misdemeanors or ordinance violation for 4569
the purpose of arranging bail). ~~He~~ The person arrested shall not 4570
thereafter be confined or removed from the county or from the 4571
situs of initial detention until such attorney has had 4572
reasonable opportunity to confer with ~~him~~ the person privately, 4573
or other person to arrange bail, under such security measures as 4574
may be necessary under the circumstances. 4575

Whoever, being a police officer in charge of a prisoner, 4576
or the custodian of any jail or place of confinement, violates 4577
this section shall be fined not less than one hundred nor more 4578
than five hundred dollars or imprisoned not more than thirty 4579
days, or both. 4580

Sec. 2935.27. (A) (1) If a law enforcement officer issues a 4581
citation to a person pursuant to section 2935.26 of the Revised 4582
Code and if the minor misdemeanor offense for which the citation 4583
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 4584
of the Revised Code or an act prohibited by any municipal 4585
ordinance that is substantially similar to any section contained 4586
in Chapter 4511., 4513., or 4549. of the Revised Code, the 4587
officer shall inform the person, if the person has a current 4588
valid Ohio driver's or commercial driver's license, of the 4589
possible consequences of the person's actions as required under 4590
division (E) of this section, and also shall inform the person 4591
that the person is required either to appear at the time and 4592
place stated in the citation or to comply with division (C) of 4593
section 2935.26 of the Revised Code. 4594

(2) If the person is an Ohio resident but does not have a 4595
current valid Ohio driver's or commercial driver's license or if 4596

the person is a resident of a state that is not a member of the 4597
nonresident violator compact of which this state is a member 4598
pursuant to section 4510.71 of the Revised Code, and if the 4599
court, by local rule, has prescribed a procedure for the setting 4600
of a reasonable security pursuant to division (F) of this 4601
section, security shall be set in accordance with that local 4602
rule and that division. 4603

A court by local rule may prescribe a procedure for the 4604
setting of reasonable security as described in this division. As 4605
an alternative to this procedure, a court by local rule may 4606
prescribe a procedure for the setting of a reasonable security 4607
by the person without the person appearing before the court. 4608

(B) A person who has security set under division (A)(2) of 4609
this section shall be given a receipt or other evidence of the 4610
deposit of the security by the court. 4611

(C) Upon compliance with division (C) of section 2935.26 4612
of the Revised Code by a person who was issued a citation, the 4613
clerk of the court shall notify the court. The court shall 4614
immediately return any sum of money, license, or other security 4615
deposited in relation to the citation to the person, or to any 4616
other person who deposited the security. 4617

(D) If a person who has a current valid Ohio driver's or 4618
commercial driver's license and who was issued a citation fails 4619
to appear at the time and place specified on the citation, fails 4620
to comply with division (C) of section 2935.26 of the Revised 4621
Code, or fails to comply with or satisfy any judgment of the 4622
court within the time allowed by the court, the court shall 4623
declare the forfeiture of the person's license. Thirty days 4624
after the declaration of forfeiture, the court shall enter 4625
information relative to the forfeiture on a form approved and 4626

furnished by the registrar of motor vehicles, and forward the 4627
form to the registrar. The registrar shall suspend the person's 4628
driver's or commercial driver's license, send written 4629
notification of the suspension to the person at the person's 4630
last known address, and order the person to surrender the 4631
person's driver's or commercial driver's license to the 4632
registrar within forty-eight hours. No valid driver's or 4633
commercial driver's license shall be granted to the person until 4634
the court having jurisdiction of the offense that led to the 4635
forfeiture orders that the forfeiture be terminated. The court 4636
shall so order if the person, after having failed to appear in 4637
court at the required time and place to answer the charge or 4638
after having pleaded guilty to or been found guilty of the 4639
violation and having failed within the time allowed by the court 4640
to pay the fine imposed by the court, thereafter appears to 4641
answer the charge and pays any fine imposed by the court or pays 4642
the fine originally imposed by the court. The court shall inform 4643
the registrar of the termination of the forfeiture by entering 4644
information relative to the termination on a form approved and 4645
furnished by the registrar and sending the form to the registrar 4646
as provided in this division. The person shall pay to the bureau 4647
of motor vehicles a fifteen-dollar reinstatement fee to cover 4648
the costs of the bureau in administering this section. The 4649
registrar shall deposit the fees so paid into the public safety 4650
- highway purposes fund created by section 4501.06 of the 4651
Revised Code. 4652

In addition, upon receipt of the copy of the declaration 4653
of forfeiture from the court, neither the registrar nor any 4654
deputy registrar shall accept any application for the 4655
registration or transfer of registration of any motor vehicle 4656
owned or leased by the person named in the declaration of 4657

forfeiture until the court having jurisdiction of the offense 4658
that led to the forfeiture orders that the forfeiture be 4659
terminated. However, for a motor vehicle leased by a person 4660
named in a declaration of forfeiture, the registrar shall not 4661
implement the preceding sentence until the registrar adopts 4662
procedures for that implementation under section 4503.39 of the 4663
Revised Code. Upon receipt by the registrar of an order 4664
terminating the forfeiture, the registrar shall take such 4665
measures as may be necessary to permit the person to register a 4666
motor vehicle owned or leased by the person or to transfer the 4667
registration of such a motor vehicle, if the person later makes 4668
application to take such action and the person otherwise is 4669
eligible to register the motor vehicle or to transfer the 4670
registration of it. 4671

The registrar is not required to give effect to any 4672
declaration of forfeiture or order terminating a forfeiture 4673
unless the order is transmitted to the registrar by means of an 4674
electronic transfer system. The registrar shall not restore the 4675
person's driving or vehicle registration privileges until the 4676
person pays the reinstatement fee as provided in this division. 4677

If the person who was issued the citation fails to appear 4678
at the time and place specified on the citation and fails to 4679
comply with division (C) of section 2935.26 of the Revised Code 4680
and the person has deposited a sum of money or other security in 4681
relation to the citation under division (A) (2) of this section, 4682
the deposit immediately shall be forfeited to the court. 4683

This section does not preclude further action as 4684
authorized by division (F) of section 2935.26 of the Revised 4685
Code. 4686

(E) A law enforcement officer who issues a person a minor 4687

misdemeanor citation for an act prohibited by Chapter 4511., 4688
4513., or 4549. of the Revised Code or an act prohibited by a 4689
municipal ordinance that is substantially similar to any section 4690
contained in Chapter 4511., 4513., or 4549. of the Revised Code 4691
shall inform the person that if the person does not appear at 4692
the time and place stated on the citation or does not comply 4693
with division (C) of section 2935.26 of the Revised Code, the 4694
person's driver's or commercial driver's license will be 4695
suspended, the person will not be eligible for the reissuance of 4696
the license or the issuance of a new license or the issuance of 4697
a certificate of registration for a motor vehicle owned or 4698
leased by the person, until the person appears and complies with 4699
all orders of the court. The person also is subject to any 4700
applicable criminal penalties. 4701

(F) A court setting security under division (A) (2) of this 4702
section shall do so in conformity with ~~sections 2937.22 and~~ 4703
~~2937.23~~ section 2937.014 of the Revised Code and the Rules of 4704
Criminal Procedure. 4705

Sec. 2937.01. ~~The definition of "magistrate" set forth~~ As 4706
used in this chapter: 4707

(A) "Accused" means a person who has been charged, but not 4708
convicted, of a crime for which criminal proceedings are 4709
ongoing. 4710

(B) "Bail" means the pretrial release, or to secure the 4711
pretrial release, of an accused person from legal custody. 4712

(C) "Bail forfeiture," "forfeit bail," "forfeited bail," 4713
"forfeits bail," and "forfeiture of bail" mean the forfeiture of 4714
a bond posted as a condition of release from legal custody. 4715

(D) "Bond" and "recognizance" mean a written agreement to 4716

perform a specific duty that may or may not involve a financial 4717
obligation as part of the agreement. 4718

(E) "Magistrate" has the same meaning as in section 4719
2931.01 of the Revised Code, and the definitions of "peace 4720
officer," "prosecutor," and "offense" set forth. 4721

(F) "Monetary bond" means the upfront payment in full or 4722
in part of the amount set by the court that is necessary for an 4723
accused person to secure the accused's pretrial release from 4724
legal custody. 4725

(G) "Offense," "peace officer," and "prosecutor" have the 4726
same meanings as in section 2935.01 of the Revised Code—apply to 4727
Chapter 2937. of the Revised Code. 4728

(H) "Percentage bond" means a secured bond that only 4729
requires a specified percentage of the amount set by the court 4730
to be posted by the accused in order to secure the accused's 4731
pretrial release. 4732

(I) "Personal recognizance" or "own recognizance" means 4733
release, without the requirement of a financial bond, based on a 4734
written promise by the accused that the accused will appear in 4735
court when required by the court. 4736

(J) "Poverty-based public assistance" means federal 4737
supplemental security income, Ohio works first, temporary 4738
assistance to needy families, medicaid, aid to families with 4739
dependent children, the supplemental nutrition assistance 4740
program, refugee cash assistance, refugee medical assistance, 4741
poverty-related veterans' benefits, or other poverty-based 4742
governmental assistance. 4743

(K) "Property bond" means to pledge a title to real 4744
property as a secured bond in order to secure the pretrial 4745

release of an accused. 4746

(L) "Secured bond" means a financial bond to be paid prior 4747
to the release of the accused in order to secure the accused's 4748
pretrial release, and includes a monetary bond, percentage bond, 4749
property bond, and surety bond. 4750

(M) "Surety" means a bond given by the accused or another 4751
person that guarantees the appearance of the accused. 4752

(N) "Surety bond" means when a person other than the 4753
accused posts a secured bond on behalf of the accused to secure 4754
the accused's pretrial release from legal custody. 4755

(O) "Unsecured bond" means a promise, without any upfront 4756
payment of money, to pay a specified amount of money if the 4757
accused fails to appear for future court proceedings. 4758

Sec. 2937.011. (A) Except as provided in division (F) of 4759
this section, if the accused is detained after arrest, the court 4760
shall make a preliminary pretrial release decision for the 4761
accused without unnecessary delay and not later than twenty-four 4762
hours after the accused's arrest. In making the preliminary 4763
pretrial release decision, the court shall order any of the 4764
following: 4765

(1) The accused's release on personal recognizance; 4766

(2) A conditions of release hearing under section 2937.012 4767
of the Revised Code on a motion of the prosecutor seeking the 4768
hearing or on the court's own motion, to be held within forty- 4769
eight hours of the accused's arrest if the accused is detained; 4770

(3) For those charged with an offense listed in section 4771
2937.222 of the Revised Code, on a motion of the prosecutor 4772
seeking the hearing or on the court's own motion, a detention 4773

hearing. 4774

(B) When ordering that an accused person be released on 4775
personal recognizance, the court may also order, if the judicial 4776
officer determines and makes written findings that one or more 4777
of the following conditions is the least restrictive condition 4778
necessary to assure the safety of any person or organization, 4779
any of the following: 4780

(1) That the accused shall not commit an offense during 4781
the period of release; 4782

(2) That the accused shall avoid all contact with a victim 4783
of the alleged offense; 4784

(3) That the accused shall avoid all contact with 4785
witnesses who may testify concerning the offense who are named 4786
in the document authorizing the accused's release or in a 4787
subsequent court order; 4788

(4) That the accused shall not leave a specified 4789
geographic area; 4790

(5) That the accused shall not visit a specified location. 4791

(C) The court shall not assess on an accused person 4792
released on personal recognizance any fee or monetary assessment 4793
related to processing the accused's release. 4794

(D) When granting a motion for a conditions of release 4795
hearing, the court may impose conditions of release pursuant to 4796
division (A) of this section or detain the accused in jail until 4797
the hearing, unless the accused has already been released from 4798
custody. In that event, the court shall issue a notice to appear 4799
to the accused to compel the accused's appearance at the 4800
hearing. 4801

(E) If an accused person is released on personal 4802
recognizance, the court shall request the accused's contact 4803
information and current address and the accused shall provide 4804
it, if available. The court shall provide the accused with 4805
reminders of the accused's court appearances by telephone, text 4806
message, and electronic message, if the accused provided the 4807
court with the accused's contact information. 4808

(F) If the accused is a person described in division (A) 4809
of section 2907.41 or division (A) of section 2919.251 of the 4810
Revised Code, the provisions of those sections, respectively, 4811
apply regarding the person and the setting of bail. 4812

Sec. 2937.012. (A) On a motion for a conditions of release 4813
hearing, the court may do either of the following: 4814

(1) (a) If the offense is not a violation of section 4815
2919.25 of the Revised Code that is a misdemeanor, grant the 4816
motion and schedule the conditions of release hearing forthwith, 4817
to be held not later than forty-eight hours after the accused is 4818
arrested, if the accused is detained after arrest; 4819

(b) If the offense is a violation of section 2919.25 of 4820
the Revised Code that is a misdemeanor, grant the motion and 4821
schedule the conditions of release hearing forthwith, to be held 4822
not later than seventy-two hours after the accused is arrested, 4823
if the accused is detained after arrest. 4824

(2) Deny the motion and release the accused on personal 4825
recognizance, as provided in section 2937.011 of the Revised 4826
Code. 4827

(B) A conditions of release hearing scheduled pursuant to 4828
division (A) (1) of this section shall be held unless the accused 4829
or prosecutor requests a continuance. If the prosecutor requests 4830

a continuance, the court shall hold the hearing in an expedited 4831
manner and not later than three calendar days after the 4832
accused's first appearance. If the accused requests a 4833
continuance, the court shall hold the hearing not later than 4834
seven days after the accused's first appearance. 4835

(C) At the conditions of release hearing, all of the 4836
following apply: 4837

(1) The accused has the right to be represented by counsel 4838
and, if the accused is indigent, has the right to have counsel 4839
appointed at the public's expense. The accused shall be afforded 4840
an opportunity to testify, to present witnesses, to cross- 4841
examine witnesses who appear at the hearing, and to present 4842
information by proffer or otherwise. 4843

(2) The court shall order the pretrial release of the 4844
accused on personal recognizance, and may set only the 4845
conditions of release provided under division (A) of section 4846
2937.013 of the Revised Code, unless there is clear and 4847
convincing evidence that such conditions will not reasonably 4848
assure the safety of any person or organization or will not 4849
assure the appearance of the accused at a future date and time 4850
during which the accused is required to appear before the court. 4851

(3) There shall be a rebuttable presumption that the 4852
accused's release on personal recognizance will reasonably 4853
assure the accused's appearance in court and the safety of any 4854
other person or organization. 4855

(D) In determining whether additional conditions of 4856
release are necessary to assure the safety of any person or 4857
organization and to assure the appearance of the accused at a 4858
future date and time during which the accused is required to 4859

appear before the court, the court shall only consider the 4860
following: 4861

(1) Information related to the nature and circumstances of 4862
the offense charged; 4863

(2) Information related to the danger to any person or 4864
organization that results from the accused's release, if 4865
applicable; 4866

(3) Any recommendations from pretrial services, where 4867
applicable; 4868

(4) With regard to the accused's likelihood of not 4869
appearing at a future date and time during which the accused is 4870
required to appear before the court, the accused's employment, 4871
community ties, family connections and obligations, past 4872
conduct, and court appearance records. 4873

(E) After the conditions of release hearing, if the court 4874
finds by clear and convincing evidence that any less restrictive 4875
conditions of release would not reasonably assure the safety of 4876
any person or organization and would not assure the appearance 4877
of the accused at a future date and time during which the 4878
accused is required to appear before the court, the court may 4879
impose only the least restrictive conditions of release 4880
necessary, as provided under section 2937.013 of the Revised 4881
Code. 4882

(F) When issuing a release order imposing conditions of 4883
release on the accused, the court shall do all of the following: 4884

(1) Include a written statement that sets forth all of the 4885
conditions of release in a manner that is sufficiently clear and 4886
specific to serve as a guide for the accused's conduct; 4887

(2) Advise the accused of the penalties for violating a condition of release, including the penalties for committing an offense while on pretrial release, including immediate arrest or issuance of a warrant for the accused's arrest; 4888
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(3) Include written findings of fact and a written statement of the reasons for each condition imposed. 4892
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(G) (1) Once the court orders conditions of release for the accused, any party may, at any time, request a modification of the conditions of release by filing a motion alleging that there has been a material change in circumstances that justifies a change in the conditions of release. 4894
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(2) If the prosecutor seeks to strengthen or add conditions of release, the prosecutor shall file a motion with the court for a new conditions of release hearing. 4899
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(3) If a party files a motion to remove any condition of release, the court may grant the motion with or without a new conditions of release hearing. If the court removes a condition of release, the court shall notify the accused in writing. 4902
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(4) The court shall respond to a motion to modify conditions of release within thirty calendar days of the filing of the motion. 4906
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Sec. 2937.013. (A) If the court finds, by clear and convincing evidence pursuant to section 2937.012 of the Revised Code, that any less restrictive conditions would not reasonably assure the safety of any person or organization and would not assure the appearance of the accused at a future date and time during which the accused is required to appear before the court, the court may impose the following conditions of release if they are determined to be the least restrictive means necessary: 4909
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- (1) A requirement that the accused not commit an offense during the period of release; 4917
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- (2) A requirement that the accused avoid all contact with a victim of the alleged offense; 4919
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- (3) A requirement that the accused avoid all contact with witnesses who may testify regarding the offense; 4921
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- (4) Reasonable restrictions with respect to travel and association; 4923
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- (5) A requirement that the accused maintain employment or, if unemployed, actively seek employment; 4925
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- (6) A requirement that the accused commence or maintain an education program; 4927
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- (7) A reasonable curfew, taking into account the accused's employment and educational or other lawful commitments; 4929
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- (8) A requirement that the accused refrain from possessing a firearm, destructive device, or other deadly weapon; 4931
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- (9) A requirement that the accused refrain from the use or possession of a narcotic drug without a prescription from a licensed health professional authorized to prescribe drugs; 4933
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- (10) A requirement that the accused undergo available medical, psychological, or psychiatric treatment or counseling for alcohol or drug dependency at no cost to the accused, subject to the following: 4936
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- (a) The court may only order counseling for alcohol or drug dependency if the accused is charged with a drug-related offense or if the accused committed an offense of violence while under the influence of alcohol or drugs. 4940
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(b) The court may only order medical, psychological, or psychiatric treatment if the court makes a written finding that the underlying facts of the case indicate a need for that treatment. 4944
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(11) Electronic monitoring at no cost to the accused; 4948

(12) Periodic reporting to a designated supervisor at no cost to the accused, which the court shall specify whether to be done in person or by telephone; 4949
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(13) Committing the accused to the custody or supervision of a designated person or organization that agrees to supervise the accused and assist in ensuring the accused's appearance in court; 4952
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(14) Execution of a secured bond that the court may only order pursuant to section 2937.014 of the Revised Code for the purpose of assuring the appearance of the accused at a future date and time during which the accused is required to appear before the court; 4956
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(15) A requirement that the accused refrain from visiting a specified location. 4961
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(B) If an accused person is released with conditions of release, the court shall request the accused's contact information and the accused shall provide it, if available. The court shall provide the accused with reminders for all upcoming court dates via telephone, text message, and electronic mail, if the accused provided the court with the accused's contact information. 4963
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Sec. 2937.014. (A) There shall be a presumption that any condition of release the court imposes shall be non-monetary. 4970
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(B) A court may order that an accused person post a secured bond only if there is clear and convincing evidence that the accused will not appear at a future date and time during which the accused is required to appear before the court. 4972
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(C) The court shall not set a secured bond by reference to a predetermined bond amount schedule. 4976
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(D) The court shall not set a secured bond amount that an accused person cannot afford. If the court intends to set a secured bond as a condition of release, the court shall make an individualized ability to pay inquiry pursuant to section 2937.015 of the Revised Code. 4978
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(E) In an order setting a secured bond as a condition of release, the court shall issue written findings regarding all of the following: 4983
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(1) The clear and convincing evidence that the accused will not appear at a future date and time during which the accused is required to appear before the court; 4986
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(2) Why monetary conditions of release will reasonably assure the appearance of the accused at a future date and time during which the accused is required to appear before the court; 4989
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(3) Why the bond amount is the lowest amount necessary to reasonably assure the appearance of the accused at a future date and time during which the accused is required to appear before the court. 4992
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(F) Whenever a person is charged with any offense other than a traffic offense that is not a moving violation and posts a secured bond, the person shall pay a surcharge of twenty-five dollars. The clerk of the court shall retain the twenty-five dollars until the person is convicted, pleads guilty, forfeits 4996
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the bail bond, is found not guilty, or has the charges 5001
dismissed. If the person is convicted, pleads guilty, or 5002
forfeits the financial bail bond, the clerk shall transmit the 5003
twenty-five dollars on or before the twentieth day of the month 5004
following the month in which the person was convicted, pleaded 5005
guilty, or forfeited the financial bail bond to the treasurer of 5006
state and the treasurer of state shall deposit it into the 5007
indigent defense support fund created under section 120.08 of 5008
the Revised Code. If the person is found not guilty or the 5009
charges are dismissed, the clerk shall return the twenty-five 5010
dollars to the person. 5011

(G) The clerk of the court, deputy clerk of the court, the 5012
magistrate, or a special referee appointed by the supreme court 5013
pursuant to section 2937.46 of the Revised Code shall receive 5014
all forms of secured bond and shall give a receipt to the person 5015
who submitted the bond. 5016

(H) With the exception of the payment due when a secured 5017
bond is set as a condition of release, the court shall not 5018
require the accused to pay for any conditions of the accused's 5019
pretrial release unless and until the accused is found guilty. 5020
The court shall not assess any fee or other monetary assessment 5021
on the accused related to processing the accused's release. 5022

Sec. 2937.015. (A) Pursuant to section 2937.014 of the 5023
Revised Code, if a court intends to set a secured bond as a 5024
condition of release for an accused, the court shall make an 5025
ability to pay inquiry with regard to the accused. 5026

(1) The court shall make the ability to pay inquiry by 5027
requesting that the accused complete an affidavit of financial 5028
hardship and reviewing, where applicable, its contents and 5029
calculating the maximum secured bond amount the accused can pay. 5030

(2) The affidavit of financial hardship shall meet both of 5031
the following requirements: 5032

(a) It can only be used to determine how much money the 5033
accused can reasonably afford to pay in a timely manner for a 5034
secured bond; 5035

(b) The affidavit shall request information from the 5036
accused regarding the accused's monthly income, monthly 5037
expenses, and current debt, subject to the following: 5038

(i) Monthly income is limited to the accused's monthly 5039
income after taxes and the accused's spouse's monthly income 5040
after taxes, if applicable, and other sources of income, 5041
including poverty-based public assistance; 5042

(ii) Monthly expenses include rent, mortgage, total 5043
utilities, health care expenses, loan payments, credit card 5044
payments, education expenses, employment expenses, 5045
transportation expenses, child care expenses, child support, 5046
spousal support, fines, court costs, and restitution; 5047

(iii) Debt inquiries include outstanding credit card debt, 5048
outstanding student loans, and outstanding medical debt. 5049

(B) The court may only set a secured bond amount based on 5050
the amount the accused is able to pay. 5051

(1) The maximum secured bond amount a court may set for an 5052
accused person is twenty-five per cent of the total amount after 5053
the accused's total monthly expenses are deducted from the 5054
accused's total monthly income. 5055

(2) The court shall also consider the accused's debt, 5056
where applicable, when setting a secured bond amount. 5057

(3) The court shall base the amount an accused person is 5058

able to pay for a secured bond on the amount of money the 5059
accused person has available to the accused person within 5060
twenty-four hours of the determination. 5061

(4) If the court sets a percentage bond, the total amount 5062
of the percentage bond shall be an amount the accused person is 5063
able to pay within twenty-four hours of the setting of the bond. 5064

Sec. 2937.03. After the announcement, as provided by 5065
section 2937.02 of the Revised Code, the accused shall be 5066
arraigned by the magistrate, clerk, or prosecutor of the court 5067
reading the affidavit or complaint, or reading its substance, 5068
omitting purely formal parts, to the accused unless the reading 5069
of the affidavit or complaint is waived. The judge or magistrate 5070
shall then inquire of the accused whether the accused 5071
understands the nature of the charge. If the accused does not 5072
indicate understanding, the judge or magistrate shall give 5073
explanation in terms of the statute or ordinance claimed 5074
violated. If the accused is not represented by counsel and 5075
expresses a desire to consult with an attorney at law, the judge 5076
or magistrate shall continue the case for a reasonable time to 5077
allow the accused to send for or consult with counsel ~~and shall~~ 5078
~~set bail for the later appearance if the offense is bailable. If~~ 5079
~~the accused is not able to make bail, bail is denied, or the~~ 5080
~~offense is not bailable, the court or magistrate shall require~~ 5081
~~the officer having custody of the accused immediately to take a~~ 5082
~~message to any attorney at law within the municipal corporation~~ 5083
~~where the accused is detained, or immediately to make available~~ 5084
~~to the accused use of a telephone for calling to arrange for~~ 5085
~~legal counsel or bail.~~ 5086

Sec. 2937.08. Upon a plea of not guilty or a plea of once 5087
in jeopardy, if the charge ~~be~~ is a misdemeanor in a court of 5088

record, the court shall proceed to set the matter for trial at a 5089
future time, pursuant to Chapter 2938. of the Revised Code, ~~and~~ 5090
~~shall let accused to bail pending such trial. Or he or the court~~ 5091
may, but only if both prosecutor and accused expressly consent, 5092
set the matter for trial ~~forthwith~~ without delay. 5093

Upon the entry of such pleas to a charge of misdemeanor in 5094
a court not of record, the magistrate shall forthwith set the 5095
matter for future trial or, with the consent of both state and 5096
defendant may set trial forthwith, both pursuant to Chapter 5097
2938. of the Revised Code, provided that if the nature of the 5098
offense is such that right to jury trial exists, such matter 5099
shall not be tried before ~~him the magistrate~~ unless the accused, 5100
by writing subscribed by ~~him the accused~~, waives a jury and 5101
consents to be tried by the magistrate. 5102

If the ~~defendant accused~~ in such event does not waive 5103
right to jury trial, then the magistrate shall require the 5104
accused to enter into recognizance to appear before a court of 5105
record in the county, set by such magistrate, and the magistrate 5106
shall thereupon certify all papers filed, together with 5107
transcript of proceedings and accrued costs to date, and such 5108
recognizance if given, to such designated court of record. Such 5109
transfer shall not require the filing of indictment or 5110
information and trial shall proceed in the transferee court 5111
pursuant to Chapter 2938. of the Revised Code. If the court 5112
seeks to set conditions of release, the court may only do so 5113
pursuant to section 2937.012 of the Revised Code. 5114

Sec. 2937.09. If the charge is a felony, the court or 5115
magistrate shall, before receiving a plea of guilty, advise the 5116
accused that such plea constitutes an admission which may be 5117
used against ~~him the accused~~ at a later trial. If the ~~defendant~~ 5118

accused enters a written plea of guilty or, pleading not guilty, 5119
affirmatively waives the right to have the court or magistrate 5120
take evidence concerning the offense, the court or magistrate 5121
forthwith and without taking evidence may find that the crime 5122
has been committed ~~and that there is probable and reasonable~~ 5123
~~cause to hold the defendant for trial pursuant to indictment by~~ 5124
~~the grand jury, and, if the offense is bailable, require the~~ 5125
~~accused to enter into recognizance in such amount as it~~ 5126
~~determines to appear before the court of common pleas pursuant~~ 5127
~~to indictment, otherwise to be confined until the grand jury has~~ 5128
~~considered and reported the matter.~~ The court shall make a 5129
determination regarding the accused's conditions of release 5130
pursuant to a conditions of release hearing under section 5131
2937.012 of the Revised Code, or, when applicable, a detention 5132
hearing under section 2937.222 of the Revised Code. 5133

Sec. 2937.15. Upon the conclusion of the hearing and 5134
finding, the magistrate, or if a court of record, the clerk of 5135
such court, shall complete all notations of appearance, motions, 5136
pleas, and findings on the criminal docket of the court, and 5137
shall transmit a transcript of the appearance docket entries, 5138
together with a copy of the original complaint and affidavits, 5139
if any, filed with the complaint, the journal or docket entry of 5140
reason for changes in the charge, if any, together with the 5141
order setting ~~bail and the bail deposit~~ the conditions of 5142
release, if any, filed, and together with the videotaped 5143
testimony, if any, prepared in accordance with division (C) of 5144
section 2937.11 of the Revised Code, to the clerk of the court 5145
in which the accused is to appear. Such transcript shall contain 5146
an itemized account of the costs accrued. 5147

Sec. 2937.16. When an accused ~~enters into~~ agrees to a 5148
~~recognizance~~ non-monetary bond to appear or is committed in 5149

default thereof, the judge or magistrate shall require such 5150
witnesses against the prisoner as ~~he~~ the judge or magistrate 5151
finds necessary, to enter into a ~~recognizance~~ non-monetary bond 5152
to appear and testify before the proper court at a proper time, 5153
and not depart from such court without leave. ~~If the judge or~~ 5154
~~magistrate finds it necessary he may require such witnesses to~~ 5155
~~give sufficient surety to appear at such court.~~ 5156

Sec. 2937.17. A person may be liable ~~in a recognizance~~ 5157
~~under a non-monetary bond~~ for a minor to appear as a witness, ~~or~~ 5158
~~the judge or magistrate may take the minor's recognizance, in a~~ 5159
~~sufficient sum,~~ which is valid notwithstanding the disability of 5160
minority. 5161

Sec. 2937.222. (A) On the motion of the prosecuting 5162
attorney or on the judge's own motion, the judge shall hold a 5163
detention hearing to determine whether an accused person charged 5164
with aggravated murder when it is not a capital offense, murder, 5165
a felony of the first or second degree, a violation of section 5166
2903.06 ~~of the Revised Code, a violation of section 2903.211,~~ 5167
2919.25, or 2919.27 of the Revised Code that is a felony, or a 5168
felony OVI offense shall be denied bail or assigned conditions 5169
of release. The judge ~~shall~~ may order that the accused be 5170
detained until the conclusion of the hearing. Except for good 5171
cause, a continuance on the motion of the state shall not exceed 5172
three court days. Except for good cause, a continuance on the 5173
motion of the accused shall not exceed five ~~court~~ calendar days 5174
unless the motion of the accused waives in writing the five-day 5175
limit ~~and states in writing a specific period for which the~~ 5176
~~accused requests a continuance.~~ A continuance granted upon a 5177
motion of the accused that waives in writing the five-day limit 5178
shall not exceed five ~~court~~ calendar days after the period of 5179
continuance requested in the motion. 5180

At the hearing, the accused has the right to be 5181
represented by counsel and, if the accused is indigent, to have 5182
counsel appointed. The judge shall afford the accused an 5183
opportunity to testify, to present witnesses and other 5184
information, and to cross-examine witnesses who appear at the 5185
hearing. The rules concerning admissibility of evidence in 5186
criminal trials do not apply to the presentation and 5187
consideration of information at the hearing. Regardless of 5188
whether the hearing is being held on the motion of the 5189
prosecuting attorney or on the court's own motion, the state has 5190
the burden of proving that the proof is evident or the 5191
presumption great that the accused committed the offense with 5192
which the accused is charged, of proving that the accused poses 5193
a substantial risk of serious physical harm to any person or ~~to~~ 5194
~~the community~~organization, and of proving that no release 5195
conditions will reasonably assure the safety of that person ~~and~~ 5196
~~the community~~or organization. 5197

The judge may reopen the hearing at any time before trial 5198
if the judge finds that information exists that was not known to 5199
the movant at the time of the hearing and that that information 5200
has a material bearing on whether bail should be denied. If a 5201
municipal court or county court enters an order denying bail, a 5202
judge of the court of common pleas having jurisdiction over the 5203
case may continue that order or may hold a hearing pursuant to 5204
this section to determine whether to continue that order. 5205

(B) No accused person shall be denied bail pursuant to 5206
this section unless the judge finds by clear and convincing 5207
evidence that the proof is evident ~~or~~and the presumption great 5208
that the accused committed the offense described in division (A) 5209
of this section with which the accused is charged, finds by 5210
clear and convincing evidence that the accused poses a 5211

substantial risk of serious physical harm to any person or ~~to~~ 5212
~~the community~~organization, and finds by clear and convincing 5213
evidence that no release conditions will reasonably assure the 5214
safety of that person ~~and the community~~ or organization. 5215

(C) The judge, in determining whether the accused person 5216
described in division (A) of this section poses a substantial 5217
risk of serious physical harm to any person or ~~to the community~~ 5218
organization and whether there are conditions of release that 5219
will reasonably assure the safety of that person ~~and the~~ 5220
~~community~~ or organization, shall consider all available 5221
information regarding all of the following: 5222

(1) The nature and circumstances of the offense charged, 5223
including whether the offense is an offense of violence or 5224
involves alcohol or a drug of abuse; 5225

(2) The weight of the evidence against the accused; 5226

(3) The history and characteristics of the accused, 5227
including, but not limited to, both of the following: 5228

(a) The character, physical and mental condition, family 5229
ties, employment, financial resources, length of residence in 5230
the community, community ties, past conduct, history relating to 5231
drug or alcohol abuse, and criminal history of the accused; 5232

(b) Whether, at the time of the current alleged offense or 5233
at the time of the arrest of the accused, the accused was on 5234
probation, parole, post-release control, or other release 5235
pending trial, sentencing, appeal, or completion of sentence for 5236
the commission of an offense under the laws of this state, 5237
another state, or the United States or under a municipal 5238
ordinance. 5239

(4) The nature and seriousness of the danger to any person 5240

or ~~the community organization~~ that would be posed by the 5241
person's release. 5242

(D) (1) An order of the court of common pleas denying bail 5243
pursuant to this section is a final appealable order. In an 5244
appeal pursuant to division (D) of this section, the court of 5245
appeals shall do ~~all~~ both of the following: 5246

(a) ~~Give the appeal priority on its calendar~~ Enter its 5247
judgment affirming or reversing the order denying bail within 5248
fifteen calendar days; 5249

(b) Liberally modify or dispense with formal requirements 5250
in the interest of a speedy and just resolution of the appeal. 5251

~~(c) Decide the appeal expeditiously;~~ 5252

~~(d) Promptly enter its judgment affirming or reversing the~~ 5253
~~order denying bail.~~ 5254

(2) The pendency of an appeal under this section does not 5255
deprive the court of common pleas of jurisdiction to conduct 5256
further proceedings in the case or to further consider the order 5257
denying bail in accordance with this section. If, during the 5258
pendency of an appeal under division (D) of this section, the 5259
court of common pleas sets aside or terminates the order denying 5260
bail, the court of appeals shall dismiss the appeal. 5261

(E) As used in this section: 5262

(1) ~~"Court day" has the same meaning as in section 5122.01~~ 5263
~~of the Revised Code.~~ 5264

~~(2)~~ "Felony OVI offense" means a third degree felony OVI 5265
offense and a fourth degree felony OVI offense. 5266

~~(3)~~ (2) "Fourth degree felony OVI offense" and "third 5267

degree felony OVI offense" have the same meanings as in section 5268
2929.01 of the Revised Code. 5269

Sec. 2937.23. (A) ~~(1) In a case involving a felony or a 5270
violation of section 2903.11, 2903.12, or 2903.13 of the Revised 5271
Code when the victim of the offense is a peace officer, the 5272
judge or magistrate shall fix the amount of bail. 5273~~

~~(2) In a case involving a misdemeanor or a violation of a 5274
municipal ordinance and not involving a felony or a violation of 5275
section 2903.11, 2903.12, or 2903.13 of the Revised Code when 5276
the victim of the offense is a peace officer, the judge, 5277
magistrate, or clerk of the court may fix the amount of bail and 5278
may do so in accordance with a schedule previously fixed by the 5279
judge or magistrate. If the judge, magistrate, or clerk of the 5280
court is not readily available, the sheriff, deputy sheriff, 5281
marshal, deputy marshal, police officer, or jailer having 5282
custody of the person charged may fix the amount of bail in 5283
accordance with a schedule previously fixed by the judge or 5284
magistrate and shall take the bail only in the county 5285
courthouse, the municipal or township building, or the county or 5286
municipal jail. 5287~~

~~(3) In all cases, the bail shall be fixed with 5288
consideration of the seriousness of the offense charged, the 5289
previous criminal record of the defendant, and the probability 5290
of the defendant appearing at the trial of the case. 5291~~

~~(B) In any case involving an alleged violation of section 5292
2903.211 of the Revised Code or of a municipal ordinance that is 5293
substantially similar to that section, the court shall determine 5294
whether it will order an evaluation of the mental condition of 5295
the defendant pursuant to section 2919.271 of the Revised Code 5296
and, if it decides to so order, shall issue the order requiring 5297~~

the evaluation before or after it sets bail or conditions of 5298
release for the person charged with the violation. In any case 5299
involving an alleged violation of section 2919.27 of the Revised 5300
Code or of a municipal ordinance that is substantially similar 5301
to that section and in which the court finds that either of the 5302
following criteria applies, the court shall determine whether it 5303
will order an evaluation of the mental condition of the 5304
defendant pursuant to section 2919.271 of the Revised Code and, 5305
if it decides to so order, shall issue the order requiring that 5306
evaluation before or after it sets bail or conditions of release 5307
for the person charged with the violation: 5308

(1) Regarding an alleged violation of a protection order 5309
issued or consent agreement approved pursuant to section 2919.26 5310
or 3113.31 of the Revised Code, that the violation allegedly 5311
involves conduct by the defendant that caused physical harm to 5312
the person or property of a family or household member covered 5313
by the order or agreement or conduct by that defendant that 5314
caused a family or household member to believe that the 5315
defendant would cause physical harm to that member or that 5316
member's property; 5317

(2) Regarding an alleged violation of a protection order 5318
issued pursuant to section 2903.213 or 2903.214 of the Revised 5319
Code, or a protection order issued by a court of another state, 5320
as defined in section 2919.27 of the Revised Code, that the 5321
violation allegedly involves conduct by the defendant that 5322
caused physical harm to the person or property of the person 5323
covered by the order or conduct by that defendant that caused 5324
the person covered by the order to believe that the defendant 5325
would cause physical harm to that person or that person's 5326
property. 5327

~~(C) As used in this section, "peace officer" has the same~~ 5328
~~meaning as in (B) If the court orders that a mental health~~ 5329
~~evaluation be conducted before setting conditions of release, a~~ 5330
~~conditions of release hearing shall be scheduled forthwith after~~ 5331
~~the submission of the mental health evaluation, notwithstanding~~ 5332
~~the timing requirements of the conditions of release hearing~~ 5333
~~provided by section 2935.01-2937.012 of the Revised Code.~~ 5334

Sec. 2937.24. When a ~~recognizance~~ property bond is offered 5335
~~under section 2937.22 of the Revised Code,~~ the surety on which 5336
~~recognizance~~ the property bond qualifies as a real property 5337
owner, the judge or magistrate shall require such surety to 5338
pledge to this state real property owned by the surety and 5339
located in this state. Whenever such pledge of real property has 5340
been given by any such proposed surety, ~~he~~ the proposed surety 5341
shall execute the usual form of recognizance, and in addition 5342
thereto there shall be filed ~~his~~ an affidavit of justification 5343
of suretyship, to be attached to said recognizance as a part 5344
thereof. The surety may be required in such affidavit to depose 5345
as to whether ~~he~~ the surety is, at the time of executing the 5346
same, surety upon any other ~~recognizance~~ bond and as to whether 5347
there are any unsatisfied judgments or executions against ~~him~~ 5348
the surety. ~~He~~ The surety may also be required to state any 5349
other fact which the court thinks relevant and material to a 5350
correct determination of the surety's sufficiency to act as 5351
~~bail~~ bond. Such surety shall state in such affidavit where 5352
notices under section 2937.38 of the Revised Code may be served 5353
on ~~himself~~ the surety, and service of notice of summons at such 5354
place is sufficient service for all purposes. 5355

Such affidavit shall be executed by the proposed surety 5356
under an oath and may be in the following form: 5357

"State of Ohio, County of _____, ss: 5358
_____ residing at _____, who offers 5359
~~himself~~ self as surety for _____ being first duly sworn, 5360
says that ~~he~~ the surety owns in ~~his~~ the surety's own legal 5361
right, real property subject to execution, located in the county 5362
of _____, State of Ohio, consisting of _____ and 5363
described as follows to wit: _____; that the title to the 5364
same is in ~~his~~ the surety's own name; that the value of the same 5365
is not less than _____ dollars, and is subject to no 5366
encumbrances whatever except _____; that ~~he~~ the surety is 5367
not surety upon any unpaid or forfeited recognizance, and that 5368
~~he~~ the surety is not party to any unsatisfied judgment upon any 5369
recognizance; that ~~he~~ the surety is worth not less than 5370
_____ dollars over and above all debts, liabilities, and 5371
lawful claims against ~~him~~ the surety, and all liens, 5372
encumbrances, and lawful claims against ~~his~~ the surety's 5373
property." 5374

Sec. 2937.25. Upon the execution of any ~~recognizance~~ 5375
property bond in an amount in excess of two hundred dollars in 5376
the usual form, and an affidavit of justification under section 5377
2937.24 of the Revised Code, there shall attach to the real 5378
property described in said affidavit of justification, a lien in 5379
favor of this state in the penal sum of the ~~recognizance~~ property 5380
bond, which lien shall remain in full force and effect during 5381
such time as such ~~recognizance~~ property bond remains effective, 5382
or until further order of the court. Upon the acceptance by the 5383
judge or magistrate of such ~~recognizance~~ property bond, 5384
containing such affidavit of justification, the said 5385
~~recognizance~~ property bond shall be immediately filed with the 5386
clerk of said court, if there is a clerk, or with the 5387
magistrate. The clerk of the court or the magistrate shall 5388

forthwith, upon the filing with ~~him~~the clerk or magistrate of 5389
such ~~recognizance~~property bond, file with the county recorder of 5390
the county in which such real property is located, a notice or 5391
lien, in writing, in substance as follows: 5392

"To whom it may concern: 5393

Take notice that the hereinafter described real property, 5394
located in the county of _____, has been pledged for the 5395
sum of _____ dollars, to the state of Ohio, by _____ 5396
surety upon the recognizance of _____ in a certain cause 5397
pending in the _____ court of the county (or city) of 5398
_____, to wit: the state of Ohio, plaintiff, versus 5399
_____ defendant, known and identified in such court as 5400
cause No. _____ 5401

Description of real estate: _____ Clerk of 5402
the court for the county of _____ or _____ Magistrate. 5403

Dated _____ " 5404

From the time of the filing and recording of such notice 5405
it is notice to everyone that the real property therein 5406
described has been pledged to this state as security for the 5407
performance of the conditions of a criminal recognizance in the 5408
penal sum set forth in said recognizance and notice. Such lien 5409
does not affect the validity of prior liens on said property. 5410

Sec. 2937.26. Whenever, by the order of a court, a 5411
~~recognizance under sections 2937.24 and 2937.25 of the Revised~~ 5412
~~Code~~property bond has been canceled, discharged, or set aside, 5413
or the cause ~~in for~~ which ~~such recognizance is taken that~~ 5414
property bond was executed has been dismissed or otherwise 5415
terminated the clerk of such court shall forthwith file with the 5416
county recorder of the county in which the real property is 5417

located, a notice of discharge in writing, in substance as 5418
follows: 5419

"To whom it may concern: 5420

Take notice that by the order of the court of 5421
_____ (naming court) _____ of the county (or 5422
city) of _____, the recognizance of _____ as 5423
principal, and _____ as surety, given in the cause of 5424
the State of Ohio, plaintiff, versus _____, defendant, 5425
known and identified as Cause No. _____ in said court, is 5426
canceled, discharged, and set aside, and the lien of the State 5427
of Ohio on the real property therein pledged as security, is 5428
hereby waived, discharged, and set aside. 5429

_____ Clerk of the court. 5430

Dated _____ " 5431

Sec. 2937.27. The county recorder of the county in which 5432
the property of a surety on a ~~recognizance~~ property bond is 5433
located, shall keep and file in the official records all notices 5434
of lien and notices of discharge that are filed with the county 5435
recorder pursuant to section 2937.26 of the Revised Code. When a 5436
lien has been released or discharged for a period of one year, 5437
the county recorder may destroy all notices of such lien. The 5438
county recorder may use any nonpaper electronic or magnetic 5439
medium specified in section 9.01 of the Revised Code to record 5440
the notices of lien and the notices of discharge. If the county 5441
recorder wishes to dispose of paper versions of the notices 5442
because they are no longer needed in that format, the county 5443
recorder shall request the county records commission to revise 5444
the county's schedule of records retention and disposal in 5445
accordance with section 149.38 of the Revised Code to provide 5446

for the disposal of those paper records. 5447

Sec. 2937.28. All ~~recognizances~~ property bonds shall be 5448
returnable to and all deposits shall be held by or subject to 5449
the order of the court or magistrate before whom the accused is 5450
to appear initially, and upon the transfer of the case to any 5451
other court or magistrate shall be returnable to and transmitted 5452
to the transferee court or magistrate. 5453

It is not necessary for the accused to give a new 5454
~~recognizance~~ property bond for appearance in common pleas court 5455
for arraignment upon indictment or pending appeal after judgment 5456
and sentence, unless the magistrate or judge of the trial court 5457
or the court to which appeal is taken, shall, for good cause 5458
shown, increase or decrease the amount of the 5459
~~recognizance~~ property bond, but ~~such recognizance that property~~ 5460
bond shall continue and be in full force until trial and appeal 5461
therefrom is finally determined. When two or more charges are 5462
filed, or indictments returned, against the same person at or 5463
about the same time, the ~~recognizance~~ property bond given may be 5464
made to include all offenses charged against the accused. 5465

Sec. 2937.281. In cases of felony, the ~~recognizance~~ 5466
property bond shall be signed by the accused and one or more 5467
adult residents of the county in which the case is pending, who 5468
shall own, in the aggregate, real property double the amount set 5469
as ~~bail~~ condition of monetary bond, over and above all 5470
encumbrances and liable to execution in at least that amount; or 5471
it may be signed by the accused and a surety company authorized 5472
to do business in this state. 5473

In cases of misdemeanor, the ~~recognizance~~ property bond 5474
may be signed by the accused and one or more adult residents, 5475
qualified as set forth above or as to personal property 5476

ownership, by the accused and surety company, or, if authorized 5477
by judge or magistrate, by the accused alone. In cases of 5478
misdemeanors arising under Chapters 4501., 4503., 4505., 4507., 5479
4509., 4511., 4513., 4517., and 4549. of the Revised Code, and 5480
related ordinance offenses (except those of driving under the 5481
influence of intoxicating liquor or controlled substances and 5482
leaving the scene of an accident) the court or magistrate shall 5483
accept guaranteed arrest bond with respect to which a surety 5484
company has become surety as provided in section 3929.141 of the 5485
Revised Code in lieu of ~~cash bail~~ a monetary bond in an amount 5486
not to exceed two hundred dollars. 5487

Sec. 2937.29. When from all the circumstances the court is 5488
of the opinion that the accused will appear as required, either 5489
before or after conviction, the accused may be released on ~~his~~ 5490
the accused's own recognizance, as provided in sections 2937.011 5491
and 2937.012 of the Revised Code. A failure to appear as 5492
required by such recognizance shall constitute an offense 5493
subject to the penalty provided in section 2937.99 of the 5494
Revised Code. 5495

Sec. 2937.30. When a defendant is discharged by the trial 5496
court otherwise than on a verdict or finding of acquittal, or 5497
when the appellate court reverses a conviction and orders the 5498
discharge of the defendant and the state or municipality 5499
signifies its intention to appeal therefrom, or the record is 5500
certified to the supreme court, the defendant shall not be 5501
discharged if ~~he~~ the defendant is in jail, nor the surety 5502
discharged or deposit released if the defendant ~~is on bail~~ has 5503
monetary bond, but the trial court, or the court to which appeal 5504
is taken may make order for ~~his~~ the defendant's release on ~~his~~ 5505
the defendant's own recognizance or ~~bail~~ monetary bond, or 5506
recommit ~~him~~ the defendant. 5507

Sec. 2937.33. When a transcript or recognizance is 5508
received by the clerk of the court of common pleas, or of any 5509
court of record to which proceedings are transferred, ~~he~~the 5510
clerk shall enter the same upon the appearance docket of the 5511
court, with the date of the filing of such transcript or 5512
recognizance, the date and amount, if any, of the 5513
~~recognizance~~secured or unsecured bonds, the names of the 5514
sureties, and the costs. Such recognizance is then of record in 5515
such court, and is proceeded on by process issuing therefrom, in 5516
a like manner as if it had been entered into before such court. 5517
When a court having recognizance of an offense takes a 5518
recognizance, it is a sufficient record thereof to enter upon 5519
the journal of such court the title of the case, the crime 5520
charged, the names of the sureties, the amount, if any, of the 5521
~~recognizance~~secured or unsecured bonds, and the time therein 5522
required for the appearance of the accused. In making the 5523
complete record, when required to be made, recognizances whether 5524
returned to or taken in such court shall be recorded in full, if 5525
required by the prosecutor or the accused. 5526

Sec. 2937.34. When a person is committed to jail, charged 5527
with an offense for which ~~he~~the person has not been indicted, 5528
and claims to be unlawfully detained, the sheriff on demand of 5529
the accused or ~~his~~the accused's counsel shall forthwith notify 5530
the court of common pleas, and the prosecuting attorney, to 5531
attend an examining court, the time of which shall be fixed by 5532
the judge. The judge shall hear said cause or complaint, examine 5533
the witnesses, and make such order as the justice of the case 5534
requires, and for such purpose the court may ~~admit to bail,~~ 5535
~~release without bond~~the accused on personal recognizance, set 5536
conditions of release under section 2937.012 of the Revised 5537
Code, or recommit to jail in accordance with the commitment. In 5538

the absence of the judge of the court of common pleas, the 5539
probate judge shall hold such examining court. 5540

Sec. 2937.35. (A) The court may only forfeit a monetary 5541
bond because of the accused's failure to appear. 5542

(B) Upon the failure of the accused ~~or witness~~ to appear 5543
in accordance with ~~its terms the bail~~ the accused's secured or 5544
unsecured bonds, those bonds may in open court be adjudged 5545
~~forfeit~~forfeited, in whole or in part by the court or magistrate 5546
before whom ~~he~~ the accused is to appear, if there is no evidence 5547
provided that indicates that the accused is being held by 5548
another jurisdiction. But such court or magistrate may, in ~~its~~ 5549
the court's or magistrate's discretion, continue the cause to a 5550
later date certain, giving notice of such date to ~~him~~ the 5551
accused and the ~~bail~~ bond depositor or sureties, if any, and 5552
adjudge the ~~bail~~ bond forfeit upon failure to appear at such 5553
later date. 5554

(C) If at any time within ninety days after the forfeiture 5555
the accused appears and provides satisfactory information to the 5556
court regarding the accused's failure to appear at the required 5557
hearing, the court shall direct the forfeiture be discharged. 5558

Sec. 2937.36. Upon declaration of forfeiture, the 5559
magistrate or clerk of the court adjudging forfeiture shall 5560
proceed, after ninety days, as follows: 5561

(A) As to each ~~bail~~ secured bond, the magistrate or clerk 5562
shall proceed forthwith to deal with the sum deposited as if the 5563
same were imposed as a fine for the offense charged and 5564
distribute and account for the same accordingly provided that 5565
prior to so doing, the magistrate or clerk may satisfy accrued 5566
costs in the case out of the fund. 5567

(B) As to any securities deposited, the magistrate or clerk shall proceed to sell the same, either at public sale advertised in the same manner as sale on chattel execution, or through any state or national bank performing such service upon the over the counter securities market and shall apply proceeds of sale, less costs or brokerage thereof as in cases of forfeited ~~cash bail~~monetary bonds. Prior to such sale, the clerk shall give notices by ordinary mail to the depositor, at the depositor's address listed of record, if any, of the intention so to do, and such sale shall not proceed if the depositor, within ten days of mailing of such notice appears, and redeems said securities by either producing the body of the defendant in open court or posting the amount set ~~in the recognizance in~~cash at the conditions of release hearing, to be dealt with as a forfeited ~~cash bail~~monetary bond.

(C) As to ~~recognizances~~property bonds the magistrate or clerk shall notify the accused and each surety within fifteen days after the declaration of the forfeiture by ordinary mail at the address shown by them in their affidavits of qualification or on the record of the case, of the default of the accused and the adjudication of forfeiture and require each of them to show cause on or before a date certain to be stated in the notice, and which shall be not less than forty-five nor more than sixty days from the date of mailing notice, why judgment should not be entered against each of them for the penalty stated in the ~~recognizance~~property bond. If good cause by production of the body of the accused or otherwise is not shown, the court or magistrate shall thereupon enter judgment against the sureties or either of them, so notified, in such amount, not exceeding the penalty of the bond, as has been set in the adjudication of forfeiture, and shall award execution therefor as in civil

cases. The proceeds of sale shall be received by the clerk or 5599
magistrate and distributed as on forfeiture of ~~cash bail~~monetary 5600
bonds. 5601

Sec. 2937.37. A magistrate or court of record inferior to 5602
the court of common pleas may proceed to judgment against a 5603
surety on a ~~recognizance~~property bond, and levy on ~~his~~the 5604
surety's personal property, notwithstanding that the bond may 5605
exceed the monetary limitations on the jurisdiction of such 5606
court in civil cases, and jurisdiction over the person of surety 5607
shall attach from the mailing of the notice specified in section 5608
2937.36 of the Revised Code, notwithstanding that such surety 5609
may not be within the territorial jurisdiction of the court; but 5610
levy on real property shall be made only through issuance, 5611
return, and levy made under certificate of judgment issued to 5612
the clerk of the court of common pleas pursuant to section 5613
2329.02 of the Revised Code. 5614

Sec. 2937.39. After judgment has been rendered against 5615
surety or after securities sold or ~~cash bail~~monetary bonds 5616
applied, the court or magistrate, on the appearance, surrender, 5617
or re-arrest of the accused on the charge, may remit all or such 5618
portion of the penalty as it deems just and in the case of 5619
previous application and transfer of cash or proceeds, the 5620
magistrate or clerk may deduct an amount equal to the amount so 5621
transferred from subsequent payments to the agencies receiving 5622
such proceeds of forfeiture until the amount is recouped for the 5623
benefit of the person or persons entitled thereto under order or 5624
remission. 5625

Sec. 2937.40. (A) ~~Bail~~Monetary conditions of release of 5626
any type that ~~is~~are deposited under ~~sections 2937.22 to 2937.45~~ 5627
section 2937.014 of the Revised Code or Criminal Rule 46 by a 5628

person other than the accused shall be discharged and released, 5629
and sureties on recognizances shall be released, in any of the 5630
following ways: 5631

(1) When a surety on a recognizance or the depositor of 5632
cash or securities as ~~bail~~a condition of release for an accused 5633
desires to surrender the accused before the appearance date, the 5634
surety is discharged from further responsibility or the deposit 5635
is redeemed in either of the following ways: 5636

(a) By delivery of the accused into open court; 5637

(b) When, on the written request of the surety or 5638
depositor, the clerk of the court to which recognizance is 5639
returnable or in which deposit is made issues to the sheriff a 5640
warrant for the arrest of the accused and the sheriff indicates 5641
on the return that ~~he~~the sheriff holds the accused in ~~his~~the 5642
sheriff's jail. 5643

(2) By appearance of the accused in accordance with the 5644
terms of the recognizance or deposit and the entry of judgment 5645
by the court or magistrate; 5646

(3) By payment into court, after default, of the sum fixed 5647
in the ~~recognizance~~conditions of release or the sum fixed in 5648
the order of forfeiture, if it is less. 5649

(B) When cash or securities have been deposited as ~~bail~~a 5650
condition of release by a person other than the accused and the 5651
~~bail~~monetary condition of release is discharged and released 5652
pursuant to division (A) of this section, or when property has 5653
been pledged by a surety on recognizance and the surety on 5654
recognizance has been released pursuant to division (A) of this 5655
section, the court shall not deduct any amount from the cash or 5656
securities or declare forfeited and levy or execute against 5657

pledged property. The court shall not apply any of the deposited 5658
cash or securities toward, or declare forfeited and levy or 5659
execute against property pledged for a recognizance for, the 5660
satisfaction of any penalty or fine, and court costs, assessed 5661
against the accused upon ~~his~~ the accused's conviction or guilty 5662
plea, except upon express approval of the person who deposited 5663
the cash or securities or the surety. 5664

(C) ~~Bail~~ Monetary conditions of release of any type that 5665
~~is~~ are deposited under ~~sections 2937.22 to 2937.45~~ section 5666
2937.014 of the Revised Code or Criminal Rule 46 by an accused 5667
shall be discharged and released to the accused, and property 5668
pledged by an accused for a recognizance shall be discharged, 5669
upon the appearance of the accused in accordance with the terms 5670
of the recognizance or deposit and the entry of judgment by the 5671
court or magistrate, except that, if the defendant is not 5672
indigent, the court may apply deposited ~~bail~~ money toward the 5673
satisfaction of a penalty or fine, and court costs, assessed 5674
against the accused upon ~~his~~ the accused's conviction or guilty 5675
plea, and may declare forfeited and levy or execute against 5676
pledged property for the satisfaction of a penalty or fine, and 5677
court costs, assessed against the accused upon ~~his~~ the accused's 5678
conviction or guilty plea. 5679

(D) Notwithstanding any other provision of this section, 5680
an Ohio driver's or commercial driver's license that is 5681
deposited as bond may be forfeited and otherwise handled as 5682
provided in section 2937.221 of the Revised Code. 5683

Sec. 2937.41. On the discharge of ~~bail~~ monetary conditions 5684
of release, the magistrate or clerk of the court shall return, 5685
subject to division (B) or (C) of section 2937.40 of the Revised 5686
Code, deposited cash or securities to the depositor, but the 5687

magistrate or clerk of the court may require presentation of an
issued original receipt as a condition to the return. In the
case of discharged recognizances, subject to division (B) or (C)
of section 2937.40 of the Revised Code, the magistrate or clerk
of the court shall endorse the satisfaction on the recognizance
and shall forthwith transmit to the county recorder the notice
of discharge provided for in section 2937.26 of the Revised
Code.

Sec. 2937.45. Commitments substantially in the forms
following are sufficient:

COMMITMENT AFTER EXAMINATION

The State of Ohio, _____ County, ss:

To the Keeper of the Jail of the County aforesaid, greeting:

Whereas, E.F. has been arrested, on the oath of C.D., for
(here describe the offense), and has been examined by me on such
charge, and required to give ~~bail~~ a secured bond in the sum of
_____ dollars for ~~his~~ appearance before the court of
common pleas with which requisition ~~he~~ E.F. has failed to
comply. Therefore, in the name of the state of Ohio, I command
you to receive the said E.F. into your custody, in the jail of
the county aforesaid, there to remain until discharged by due
course of law.

Given under my hand, this _____ day of

A.B., Judge COMMITMENT PENDING EXAMINATION

The State of Ohio, _____ County, ss:

To the Keeper of the Jail of the County aforesaid, greeting:

Whereas, E.F. has been arrested on the oath of C.D., for

(here describe the offense) and has been brought before me for 5715
examination and the same has been necessarily postponed by 5716
reason of (here state the cause of delay). Therefore, I command 5717
you, in the name of the state of Ohio, to receive the said E.F. 5718
into your custody in the jail of the county aforesaid (or in 5719
such other place as the justice shall name) there to remain 5720
until discharged by due course of law. 5721

Given under my hand, this _____ day of 5722

A.B., Judge 5723

Sec. 2937.46. (A) The supreme court of Ohio, in the 5724
interest of uniformity of procedure in the various courts and 5725
for the purpose of promoting prompt and efficient disposition of 5726
cases arising under the traffic laws of this state and related 5727
ordinances, may make uniform rules for practice and procedure in 5728
courts inferior to the court of common pleas not inconsistent 5729
with the provisions of Chapter 2937. of the Revised Code, 5730
including, but not limited to: 5731

(1) Separation of arraignment and trial of traffic and 5732
other types of cases; 5733

(2) Consolidation of cases for trial; 5734

(3) Transfer of cases within the same county for the 5735
purpose of trial; 5736

(4) Designation of special referees for hearings or for 5737
receiving pleas or bail at times when courts are not in session; 5738

~~(5) Fixing of reasonable bonds, and disposition of cases~~ 5739
~~in which bonds have been forfeited.~~ 5740

(B) Except as otherwise specified in division (N) of 5741
section 4511.19 of the Revised Code, all of the rules described 5742

in division (A) of this section, when promulgated by the supreme 5743
court, shall be fully binding on all courts inferior to the 5744
court of common pleas and on the court of common pleas in 5745
relation to felony violations of division (A) of section 4511.19 5746
of the Revised Code and shall effect a cancellation of any local 5747
court rules inconsistent with the supreme court's rules. 5748

Sec. 2941.58. When a motion to quash or a plea in 5749
abatement is adjudged in favor of the accused, the trial court 5750
may order the case to be resubmitted to the grand jury, if then 5751
pending, or to the next succeeding grand jury. The accused then 5752
may be committed to jail or ~~held to bail in such sum~~ monetary 5753
conditions of release may be set as the trial court requires for 5754
~~his~~ the accused's appearance to answer at a time to be fixed by 5755
the court pursuant to section 2937.013 of the Revised Code. 5756

Sec. 2949.091. (A) (1) (a) The court in which any person is 5757
convicted of or pleads guilty to any offense shall impose one of 5758
the following sums as costs in the case in addition to any other 5759
court costs that the court is required by law to impose upon the 5760
offender: 5761

(i) Thirty dollars if the offense is a felony; 5762

(ii) Twenty dollars if the offense is a misdemeanor other 5763
than a traffic offense that is not a moving violation; 5764

(iii) Ten dollars if the offense is a traffic offense that 5765
is not a moving violation, excluding parking violations. 5766

(b) All moneys collected pursuant to division (A) (1) (a) of 5767
this section during a month shall be transmitted on or before 5768
the twentieth day of the following month by the clerk of the 5769
court to the treasurer of state and deposited by the treasurer 5770
of state to the credit of the indigent defense support fund 5771

established under section 120.08 of the Revised Code. The court 5772
shall not waive the payment of the additional thirty-, twenty-, 5773
or ten-dollar court costs, unless the court determines that the 5774
offender is indigent and waives the payment of all court costs 5775
imposed upon the indigent offender. 5776

(2) (a) The juvenile court in which a child is found to be 5777
a delinquent child or a juvenile traffic offender for an act 5778
that, if committed by an adult, would be an offense, shall 5779
impose one of the following sums as costs in the case in 5780
addition to any other court costs that the court is required or 5781
permitted by law to impose upon the delinquent child or juvenile 5782
traffic offender: 5783

(i) Thirty dollars if the offense is a felony; 5784

(ii) Twenty dollars if the offense is a misdemeanor other 5785
than a traffic offense that is not a moving violation; 5786

(iii) Ten dollars if the offense is a traffic offense that 5787
is not a moving violation, excluding parking violations. 5788

(b) All moneys collected pursuant to division (A) (2) (a) of 5789
this section during a month shall be transmitted on or before 5790
the twentieth day of the following month by the clerk of the 5791
court to the treasurer of state and deposited by the treasurer 5792
of state to the credit of the indigent defense support fund 5793
established under section 120.08 of the Revised Code. The 5794
thirty-, twenty-, or ten-dollar court costs shall be collected 5795
in all cases unless the court determines the juvenile is 5796
indigent and waives the payment of all court costs, or enters an 5797
order on its journal stating that it has determined that the 5798
juvenile is indigent, that no other court costs are to be taxed 5799
in the case, and that the payment of the thirty-, twenty-, or 5800

ten-dollar court costs is waived. 5801

(B) Whenever a person is charged with any offense 5802
described in division (A) (1) of this section, the court shall 5803
add to the amount of the ~~bail~~ monetary bond the thirty, twenty, 5804
or ten dollars required to be paid by division (A) (1) of this 5805
section. The thirty, twenty, or ten dollars shall be retained by 5806
the clerk of the court until the person is convicted, pleads 5807
guilty, forfeits bail, is found not guilty, or has the charges 5808
dismissed. If the person is convicted, pleads guilty, or 5809
forfeits bail, the clerk shall transmit the thirty, twenty, or 5810
ten dollars on or before the twentieth day of the month 5811
following the month in which the person was convicted, pleaded 5812
guilty, or forfeited bail to the treasurer of state, who shall 5813
deposit it to the credit of the indigent defense support fund 5814
established under section 120.08 of the Revised Code. If the 5815
person is found not guilty or the charges are dismissed, the 5816
clerk shall return the thirty, twenty, or ten dollars to the 5817
person. 5818

(C) No person shall be placed or held in a detention 5819
facility for failing to pay the additional thirty-, twenty-, or 5820
ten-dollar court costs or ~~bail~~ a monetary bond that are required 5821
to be paid by this section. 5822

(D) As used in this section: 5823

(1) "Moving violation" and "bail" have the same meanings 5824
as in section 2743.70 of the Revised Code. 5825

(2) "Detention facility" has the same meaning as in 5826
section 2921.01 of the Revised Code. 5827

(3) "Case" has the same meaning as in section 2947.23 of 5828
the Revised Code. 5829

(4) "Forfeits bail" and "monetary bond" have the same 5830
meanings as in section 2937.01 of the Revised Code. 5831

Sec. 2949.093. (A) A board of county commissioners of any 5832
county containing fifty-five or more law enforcement agencies by 5833
resolution may elect to participate in a criminal justice 5834
regional information system, either by creating and maintaining 5835
a new criminal justice regional information system or by 5836
participating in an existing criminal justice regional 5837
information system. 5838

(B) A county is not eligible to participate in any 5839
criminal justice regional information system unless it creates 5840
in its county treasury, pursuant to section 305.28 of the 5841
Revised Code, a criminal justice regional information fund. 5842

(C) A county that elects to participate in a criminal 5843
justice regional information system shall obtain revenues to 5844
fund its participation by establishing an additional court cost 5845
not exceeding five dollars to be imposed for moving violations 5846
that occur in that county. The board of county commissioners of 5847
that county shall establish the amount of the additional court 5848
cost by resolution. The board shall give written notice to all 5849
courts located in that county that adjudicate or otherwise 5850
process moving violations that occur in that county of the 5851
county's election to participate in the system and of the amount 5852
of the additional court cost. Upon receipt of such notice, each 5853
recipient court shall impose that amount as an additional court 5854
cost for all moving violations the court adjudicates or 5855
otherwise processes, in accordance with divisions (D) and (E) of 5856
this section. 5857

(D) (1) The court in which any person is convicted of or 5858
pleads guilty to any moving violation that occurs in a county 5859

that has elected to participate in a criminal justice regional 5860
information system shall impose the sum established by the board 5861
pursuant to division (C) of this section as costs in the case in 5862
addition to any other court costs that the court is required by 5863
law to impose upon the offender. The court shall not waive the 5864
payment of the additional court cost established by the board 5865
pursuant to division (C) of this section unless the court 5866
determines that the offender is indigent and waives the payment 5867
of all court costs imposed upon the indigent offender. 5868

All such money collected during a month shall be 5869
transmitted on the first business day of the following month by 5870
the clerk of the court to the county treasurer of the county in 5871
which the court is located and thereafter the county treasurer 5872
shall deposit the money in that county's criminal justice 5873
regional information fund. 5874

(2) The juvenile court in which a child is found to be a 5875
juvenile traffic offender for an act that is a moving violation 5876
occurring in a county participating in a criminal justice 5877
regional information system shall impose the sum established by 5878
the board pursuant to division (C) of this section as costs in 5879
the case in addition to any other court costs that the court is 5880
required by law to impose upon the juvenile traffic offender. 5881
The juvenile court shall not waive the payment of the additional 5882
court cost established by the board pursuant to division (C) of 5883
this section unless the court determines that the juvenile is 5884
indigent and waives the payment of all court costs imposed upon 5885
the indigent offender. 5886

All such money collected during a month shall be 5887
transmitted on the first business day of the following month by 5888
the clerk of the court to the county treasurer of the county in 5889

which the juvenile court is located and thereafter the county 5890
treasurer shall deposit the money in that county's criminal 5891
justice regional information fund. 5892

(E) Whenever a person is charged with any offense that is 5893
a moving violation and posts ~~bail~~ monetary bond, the court 5894
shall add to the amount of the ~~bail~~ monetary bond the set sum 5895
required to be paid by division (D) (1) of this section. The 5896
clerk of the court shall retain that set sum until the person is 5897
convicted, pleads guilty, forfeits bail, is found not guilty, or 5898
has the charges dismissed. If the person is convicted, pleads 5899
guilty, or forfeits bail, the clerk shall transmit the set sum 5900
to the county treasurer, who shall deposit it in the county 5901
criminal justice regional information fund. If the person is 5902
found not guilty or the charges are dismissed, the clerk shall 5903
return the set sum to the person. 5904

(F) No person shall be placed or held in a detention 5905
facility as defined in section 2921.01 of the Revised Code for 5906
failing to pay the court cost or bail that is required to be 5907
paid by this section. 5908

(G) (1) Except as provided in division (G) (2) of this 5909
section, all funds collected by a county under this section 5910
shall be used by that county only to pay the costs it incurs in 5911
creating and maintaining a new criminal justice regional 5912
information system or to pay the costs it incurs in 5913
participating in an existing criminal justice regional 5914
information system. 5915

(2) If the board of county commissioners of a county 5916
determines that the funds in that county's criminal justice 5917
regional information fund are more than sufficient to satisfy 5918
the purpose for which the additional court cost described in 5919

division (C) of this section was imposed, the board may declare 5920
a surplus in the fund. The county may expend the surplus only to 5921
pay the costs it incurs in improving the law enforcement 5922
computer technology of local law enforcement agencies located in 5923
that county. 5924

(H) As used in this section: 5925

(1) "Moving violation" means any violation of any statute 5926
or ordinance, other than section 4513.263 of the Revised Code or 5927
an ordinance that is substantially equivalent to that section, 5928
that regulates the operation of vehicles, streetcars, or 5929
trackless trolleys on highways or streets or that regulates size 5930
or load limitations or fitness requirements of vehicles. "Moving 5931
violation" does not include the violation of any statute or 5932
ordinance that regulates pedestrians or the parking of vehicles. 5933

(2) ~~"Bail" means cash, a check, a money order, a credit-~~ 5934
~~card, or any other form of money that is posted by or for an-~~ 5935
~~offender pursuant to sections 2937.22 to 2937.46 of the Revised-~~ 5936
~~Code, Criminal Rule 46, or Traffic Rule 4 to prevent the-~~ 5937
~~offender from being placed or held in a detention facility, as-~~ 5938
~~defined in section 2921.01 of the Revised Code~~"Forfeits bail" 5939
and "monetary bond" have the same meanings as in section 2937.01 5940
of the Revised Code. 5941

(3) "Criminal justice regional information system" means a 5942
governmental computer system that serves as a cooperative 5943
between political subdivisions in a particular region for the 5944
purpose of providing a consolidated computerized information 5945
system for criminal justice agencies in that region. 5946

Sec. 2949.094. (A) The court in which any person is 5947
convicted of or pleads guilty to any moving violation shall 5948

impose an additional court cost of ten dollars upon the 5949
offender. The court shall not waive the payment of the ten 5950
dollars unless the court determines that the offender is 5951
indigent and waives the payment of all court costs imposed upon 5952
the indigent offender. 5953

The clerk of the court shall transmit thirty-five per cent 5954
of all additional court costs collected pursuant to this 5955
division during a month on or before the twenty-third day of the 5956
following month to the state treasury of which ninety-seven per 5957
cent shall be credited to the drug law enforcement fund created 5958
under section 5502.68 of the Revised Code and the remaining 5959
three per cent shall be credited to the justice program services 5960
fund created under section 5502.67 of the Revised Code. The 5961
clerk shall transmit fifteen per cent of all additional court 5962
costs so collected during a month on or before the twenty-third 5963
day of the following month to the county or municipal indigent 5964
drivers alcohol treatment fund under the control of that court, 5965
as created by the county or municipal corporation under division 5966
(H) of section 4511.191 of the Revised Code. The clerk shall 5967
transmit fifty per cent of all additional court costs so 5968
collected during a month on or before the twenty-third day of 5969
the following month to the state treasury to be credited to the 5970
indigent defense support fund created pursuant to section 120.08 5971
of the Revised Code. 5972

(B) The juvenile court in which a child is found to be a 5973
juvenile traffic offender for an act that is a moving violation 5974
shall impose an additional court cost of ten dollars upon the 5975
juvenile traffic offender. The juvenile court shall not waive 5976
the payment of the ten dollars unless the court determines that 5977
the juvenile is indigent and waives the payment of all court 5978
costs imposed upon the indigent offender. 5979

The clerk of the court shall transmit thirty-five per cent 5980
of all additional court costs collected pursuant to this 5981
division during a month on or before the twenty-third day of the 5982
following month to the state treasury of which ninety-seven per 5983
cent shall be credited to the drug law enforcement fund created 5984
under section 5502.68 of the Revised Code and the remaining 5985
three per cent shall be credited to the justice program services 5986
fund created under section 5502.67 of the Revised Code. The 5987
clerk shall transmit fifteen per cent of all additional court 5988
costs so collected during a month on or before the twenty-third 5989
day of the following month to the county juvenile indigent 5990
drivers alcohol treatment fund under the control of that court, 5991
as created by the county under division (H) of section 4511.191 5992
of the Revised Code. The clerk shall transmit fifty per cent of 5993
all additional court costs so collected during a month on or 5994
before the twenty-third day of the following month to the state 5995
treasury to be credited to the indigent defense support fund 5996
created pursuant to section 120.08 of the Revised Code. 5997

(C) Whenever a person is charged with any offense that is 5998
a moving violation and posts ~~bail~~ monetary bond, the court 5999
shall add to the amount of the ~~bail~~ monetary bond the ten 6000
dollars required to be paid by division (A) of this section. The 6001
clerk of the court shall retain the ten dollars until the person 6002
is convicted, pleads guilty, forfeits bail, is found not guilty, 6003
or has the charges dismissed. If the person is convicted, pleads 6004
guilty, or forfeits bail, the clerk shall transmit three dollars 6005
and fifty cents out of the ten dollars to the state treasury of 6006
which ninety-seven per cent shall be credited to the drug law 6007
enforcement fund created under section 5502.68 of the Revised 6008
Code and the remaining three per cent shall be credited to the 6009
justice program services fund created under section 5502.67 of 6010

the Revised Code, the clerk shall transmit one dollar and fifty 6011
cents out of the ten dollars to the county, municipal, or county 6012
juvenile indigent drivers alcohol treatment fund under the 6013
control of that court, as created by the county or municipal 6014
corporation under division (H) of section 4511.191 of the 6015
Revised Code, and the clerk shall transmit five dollars out of 6016
the ten dollars to the state treasury to be credited to the 6017
indigent defense support fund created under section 120.08 of 6018
the Revised Code. If the person is found not guilty or the 6019
charges are dismissed, the clerk shall return the ten dollars to 6020
the person. 6021

(D) No person shall be placed or held in a detention 6022
facility for failing to pay the court cost or ~~bail a monetary~~ 6023
bond that is required to be paid by this section. 6024

(E) As used in this section: 6025

(1) ~~"Bail" and "moving"~~ "Moving violation" ~~have~~ has the 6026
same ~~meanings~~ meaning as in section 2949.093 of the Revised 6027
Code. 6028

(2) "Detention facility" has the same meaning as in 6029
section 2921.01 of the Revised Code. 6030

(3) "Division of criminal justice services" means the 6031
division of criminal justice services of the department of 6032
public safety, created by section 5502.62 of the Revised Code. 6033

(4) "Forfeits bail" and "monetary bond" have the same 6034
meanings as in section 2937.01 of the Revised Code. 6035

Sec. 2949.111. (A) As used in this section: 6036

(1) "Court costs" means any assessment that the court 6037
requires an offender to pay to defray the costs of operating the 6038

court. 6039

(2) "State fines or costs" means any costs imposed or 6040
forfeited bail collected by the court under section 2743.70 of 6041
the Revised Code for deposit into the reparations fund or under 6042
section 2949.091 of the Revised Code for deposit into the 6043
indigent defense support fund established under section 120.08 6044
of the Revised Code and all fines, penalties, and forfeited bail 6045
collected by the court and paid to a law library association 6046
under section 307.515 of the Revised Code. 6047

(3) "Reimbursement" means any reimbursement for the costs 6048
of confinement that the court orders an offender to pay pursuant 6049
to section 2929.28 of the Revised Code, any supervision fee, any 6050
fee for the costs of house arrest with electronic monitoring 6051
that an offender agrees to pay, any reimbursement for the costs 6052
of an investigation or prosecution that the court orders an 6053
offender to pay pursuant to section 2929.71 of the Revised Code, 6054
or any other costs that the court orders an offender to pay. 6055

(4) "Supervision fees" means any fees that a court, 6056
pursuant to sections 2929.18, 2929.28, and 2951.021 of the 6057
Revised Code, requires an offender who is under a community 6058
control sanction to pay for supervision services. 6059

(5) "Community control sanction" has the same meaning as 6060
in section 2929.01 of the Revised Code. 6061

(6) "Forfeited bail" has the same meaning as in section 6062
2937.01 of the Revised Code. 6063

(B) Unless the court, in accordance with division (C) of 6064
this section, enters in the record of the case a different 6065
method of assigning payments, if a person who is charged with a 6066
misdemeanor is convicted of or pleads guilty to the offense, if 6067

the court orders the offender to pay any combination of court costs, state fines or costs, restitution, a conventional fine, or any reimbursement, and if the offender makes any payment of any of them to a clerk of court, the clerk shall assign the offender's payment in the following manner:

(1) If the court ordered the offender to pay any court costs, the offender's payment shall be assigned toward the satisfaction of those court costs until they have been entirely paid.

(2) If the court ordered the offender to pay any state fines or costs and if all of the court costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned on a pro rata basis toward the satisfaction of the state fines or costs until they have been entirely paid.

(3) If the court ordered the offender to pay any restitution and if all of the court costs and state fines or costs that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the restitution until it has been entirely paid.

(4) If the court ordered the offender to pay any fine and if all of the court costs, state fines or costs, and restitution that the court ordered the offender to pay have been paid, the remainder of the offender's payment shall be assigned toward the satisfaction of the fine until it has been entirely paid.

(5) If the court ordered the offender to pay any reimbursement and if all of the court costs, state fines or costs, restitution, and fines that the court ordered the

offender to pay have been paid, the remainder of the offender's 6097
payment shall be assigned toward the satisfaction of the 6098
reimbursements until they have been entirely paid. 6099

(C) If a person who is charged with a misdemeanor is 6100
convicted of or pleads guilty to the offense and if the court 6101
orders the offender to pay any combination of court costs, state 6102
fines or costs, restitution, fines, or reimbursements, the 6103
court, at the time it orders the offender to make those 6104
payments, may prescribe an order of payments that differs from 6105
the order set forth in division (B) of this section by entering 6106
in the record of the case the order so prescribed. If a 6107
different order is entered in the record, on receipt of any 6108
payment, the clerk of the court shall assign the payment in the 6109
manner prescribed by the court. 6110

Sec. 2953.31. As used in sections 2953.31 to 2953.36 of 6111
the Revised Code: 6112

(A) (1) "Eligible offender" means either of the following: 6113

(a) Anyone who has been convicted of one or more offenses 6114
in this state or any other jurisdiction, if all of the offenses 6115
in this state are felonies of the fourth or fifth degree or 6116
misdemeanors and none of those offenses are an offense of 6117
violence or a felony sex offense and all of the offenses in 6118
another jurisdiction, if committed in this state, would be 6119
felonies of the fourth or fifth degree or misdemeanors and none 6120
of those offenses would be an offense of violence or a felony 6121
sex offense; 6122

(b) Anyone who has been convicted of an offense in this 6123
state or any other jurisdiction, to whom division (A) (1) (a) of 6124
this section does not apply, and who has not more than two 6125

felony convictions, has not more than four misdemeanor 6126
convictions, or, if the person has exactly two felony 6127
convictions, has not more than those two felony convictions and 6128
two misdemeanor convictions in this state or any other 6129
jurisdiction. The conviction that is requested to be sealed 6130
shall be a conviction that is eligible for sealing as provided 6131
in section 2953.36 of the Revised Code. When two or more 6132
convictions result from or are connected with the same act or 6133
result from offenses committed at the same time, they shall be 6134
counted as one conviction. When two or three convictions result 6135
from the same indictment, information, or complaint, from the 6136
same plea of guilty, or from the same official proceeding, and 6137
result from related criminal acts that were committed within a 6138
three-month period but do not result from the same act or from 6139
offenses committed at the same time, they shall be counted as 6140
one conviction, provided that a court may decide as provided in 6141
division (C)(1)(a) of section 2953.32 of the Revised Code that 6142
it is not in the public interest for the two or three 6143
convictions to be counted as one conviction. 6144

(2) For purposes of, and except as otherwise provided in, 6145
division (A)(1)(b) of this section, a conviction for a minor 6146
misdemeanor, for a violation of any section in Chapter 4507., 6147
4510., 4511., 4513., or 4549. of the Revised Code, or for a 6148
violation of a municipal ordinance that is substantially similar 6149
to any section in those chapters is not a conviction. However, a 6150
conviction for a violation of section 4511.19, 4511.251, 6151
4549.02, 4549.021, 4549.03, 4549.042, or 4549.62 or sections 6152
4549.41 to 4549.46 of the Revised Code, for a violation of 6153
section 4510.11 or 4510.14 of the Revised Code that is based 6154
upon the offender's operation of a vehicle during a suspension 6155
imposed under section 4511.191 or 4511.196 of the Revised Code, 6156

for a violation of a substantially equivalent municipal ordinance, for a felony violation of Title XLV of the Revised Code, or for a violation of a substantially equivalent former law of this state or former municipal ordinance shall be considered a conviction.

(B) "Prosecutor" means the county prosecuting attorney, city director of law, village solicitor, or similar chief legal officer, who has the authority to prosecute a criminal case in the court in which the case is filed.

(C) "Bail forfeiture" means the forfeiture of ~~bail bond~~ posted as a condition of release by a defendant who is arrested for the commission of a misdemeanor, other than a defendant in a traffic case as defined in Traffic Rule 2, if the forfeiture is pursuant to an agreement with the court and prosecutor in the case.

(D) "Official records" has the same meaning as in division (D) of section 2953.51 of the Revised Code.

(E) "Official proceeding" has the same meaning as in section 2921.01 of the Revised Code.

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

(G) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code.

(H) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code.

(I) "Fingerprints filed for record" means any fingerprints

obtained by the superintendent of the bureau of criminal 6185
identification and investigation pursuant to sections 109.57 and 6186
109.571 of the Revised Code. 6187

Sec. 2963.13. (A) If from the examination before the judge 6188
or magistrate it appears that the person held under section 6189
2963.11 or 2963.12 of the Revised Code is the person charged 6190
with having committed the crime alleged and that ~~he~~ the person 6191
has fled from justice, the judge or magistrate must, by a 6192
warrant reciting the accusation, commit ~~him~~ the person to the 6193
county jail for such a time, not to exceed thirty days and 6194
specified in the warrant, as will enable the arrest of the 6195
accused to be made under a warrant of the governor on a 6196
requisition of the executive authority of the state having 6197
jurisdiction of the offense, unless the accused furnishes ~~bail~~ a 6198
monetary bond or until ~~he~~ the accused is legally discharged. 6199

(B) As used in this section, "monetary bond" has the same 6200
meaning as in section 2937.01 of the Revised Code. 6201

Sec. 3319.292. As used in this section, ~~"license":~~ 6202

(1) "Bail forfeiture" has the same meaning as in section 6203
2937.01 of the Revised Code. 6204

(2) "License" has the same meaning as in section 3319.31 6205
of the Revised Code. 6206

(B) The state board of education and the department of 6207
education may question an applicant for issuance or renewal of 6208
any license with respect to any criminal offense committed or 6209
alleged to have been committed by the applicant. If the record 6210
of a conviction, plea of guilty, bail forfeiture, or other 6211
disposition of a criminal offense committed or alleged to have 6212
been committed by the applicant has been sealed or expunged, the 6213

state board and the department need not assert or demonstrate 6214
that its questioning with respect to the offense bears a direct 6215
and substantial relationship to the issuance or renewal of the 6216
license or to the position in which the applicant will work 6217
under the license. 6218

Any questions regarding a record of a conviction, plea of 6219
guilty, bail forfeiture, or other disposition of a criminal 6220
offense committed or alleged to have been committed by the 6221
applicant that has been sealed or expunged and the responses of 6222
the applicant to such questions shall not be a public record 6223
under section 149.43 of the Revised Code. 6224

Sec. 3719.21. (A) Except as provided in division (C) of 6225
section 2923.42, division (B) of section 2923.44, divisions (D) 6226
(1), (F), and (H) of section 2925.03, division (D)(1) of section 6227
2925.02, 2925.04, or 2925.05, division (E)(1) of section 6228
2925.11, division (E) of section 2925.13, division (F) of 6229
section 2925.36, division (D) of section 2925.22, division (H) 6230
of section 2925.23, division (M) of section 2925.37, division 6231
(B) of section 2925.42, division (B) of section 2929.18, 6232
division (D) of section 3719.99, division (B)(1) of section 6233
4729.65, division (E)(3) of section 4729.99, and division (I)(3) 6234
of section 4729.99 of the Revised Code, the clerk of the court 6235
shall pay all fines or forfeited bail assessed and collected 6236
under prosecutions or prosecutions commenced for violations of 6237
this chapter, section 2923.42 of the Revised Code, or Chapter 6238
2925. of the Revised Code, within thirty days, to the executive 6239
director of the state board of pharmacy, and the executive 6240
director shall deposit the fines into the state treasury to the 6241
credit of the occupational licensing and regulatory fund. 6242

(B) As used in this section, "forfeited bail" has the same 6243

meaning as in section 2937.01 of the Revised Code. 6244

Sec. 3772.01. As used in this chapter: 6245

(A) "Applicant" means any person who applies to the 6246
commission for a license under this chapter. 6247

(B) "Bail forfeiture" and "forfeited bail" have the same 6248
meanings as in section 2937.01 of the Revised Code. 6249

(C) "Casino control commission fund" means the casino 6250
control commission fund described in Section 6(C) (3) (d) of 6251
Article XV, Ohio Constitution, the money in which shall be used 6252
to fund the commission and its related affairs. 6253

~~(C)~~(D) "Casino facility" means a casino facility as 6254
defined in Section 6(C) (9) of Article XV, Ohio Constitution. 6255

~~(D)~~(E) "Casino game" means any slot machine or table game 6256
as defined in this chapter. 6257

~~(E)~~(F) "Casino gaming" means any type of slot machine or 6258
table game wagering, using money, casino credit, or any 6259
representative of value, authorized in any of the states of 6260
Indiana, Michigan, Pennsylvania, and West Virginia as of January 6261
1, 2009, and includes slot machine and table game wagering 6262
subsequently authorized by, but shall not be limited by, 6263
subsequent restrictions placed on such wagering in such states. 6264
"Casino gaming" does not include bingo, as authorized in Section 6265
6 of Article XV, Ohio Constitution and conducted as of January 6266
1, 2009, or horse racing where the pari-mutuel system of 6267
wagering is conducted, as authorized under the laws of this 6268
state as of January 1, 2009. 6269

~~(F)~~(G) "Casino gaming employee" means any employee of a 6270
casino operator or management company, but not a key employee, 6271

and as further defined in section 3772.131 of the Revised Code. 6272

~~(G)~~ (H) "Casino operator" means any person, trust, 6273
corporation, partnership, limited partnership, association, 6274
limited liability company, or other business enterprise that 6275
directly or indirectly holds an ownership or leasehold interest 6276
in a casino facility. "Casino operator" does not include an 6277
agency of the state, any political subdivision of the state, any 6278
person, trust, corporation, partnership, limited partnership, 6279
association, limited liability company, or other business 6280
enterprise that may have an interest in a casino facility, but 6281
who is legally or contractually restricted from conducting 6282
casino gaming. 6283

~~(H)~~ (I) "Central system" means a computer system that 6284
provides the following functions related to casino gaming 6285
equipment used in connection with casino gaming authorized under 6286
this chapter: security, auditing, data and information 6287
retrieval, and other purposes deemed necessary and authorized by 6288
the commission. 6289

~~(I)~~ (J) "Cheat" means to alter the result of a casino 6290
game, the element of chance, the operation of a machine used in 6291
a casino game, or the method of selection of criteria that 6292
determines (a) the result of the casino game, (b) the amount or 6293
frequency of payment in a casino game, (c) the value of a 6294
wagering instrument, or (d) the value of a wagering credit. 6295
"Cheat" does not include an individual who, without the 6296
assistance of another individual or without the use of a 6297
physical aid or device of any kind, uses the individual's own 6298
ability to keep track of the value of cards played and uses 6299
predictions formed as a result of the tracking information in 6300
the individual's playing and betting strategy. 6301

~~(J)~~ (K) "Commission" means the Ohio casino control
commission. 6302
6303

~~(K)~~ (L) "Gaming agent" means a peace officer employed by 6304
the commission that is vested with duties to enforce this 6305
chapter and conduct other investigations into the conduct of the 6306
casino gaming and the maintenance of the equipment that the 6307
commission considers necessary and proper and is in compliance 6308
with section 109.77 of the Revised Code. 6309

~~(L)~~ (M) "Gaming-related vendor" means any individual, 6310
partnership, corporation, association, trust, or any other group 6311
of individuals, however organized, who supplies gaming-related 6312
equipment, goods, or services to a casino operator or management 6313
company, that are directly related to or affect casino gaming 6314
authorized under this chapter, including, but not limited to, 6315
the manufacture, sale, distribution, or repair of slot machines 6316
and table game equipment. 6317

~~(M)~~ (N) "Holding company" means any corporation, firm, 6318
partnership, limited partnership, limited liability company, 6319
trust, or other form of business organization not a natural 6320
person which directly or indirectly does any of the following: 6321

(1) Has the power or right to control a casino operator, 6322
management company, or gaming-related vendor license applicant 6323
or licensee; 6324

(2) Holds an ownership interest of five per cent or more, 6325
as determined by the commission, in a casino operator, 6326
management company, or gaming-related vendor license applicant 6327
or licensee; 6328

(3) Holds voting rights with the power to vote five per 6329
cent or more of the outstanding voting rights of a casino 6330

operator, management company, or gaming-related vendor applicant 6331
or licensee. 6332

~~(N)~~ (O) "Initial investment" includes costs related to 6333
demolition, engineering, architecture, design, site preparation, 6334
construction, infrastructure improvements, land acquisition, 6335
fixtures and equipment, insurance related to construction, and 6336
leasehold improvements. 6337

~~(O)~~ (P) "Institutional investor" means any of the 6338
following entities owning five per cent or more, but less than 6339
fifteen per cent, of an ownership interest in a casino facility, 6340
casino operator, management company, or holding company: a 6341
corporation, bank, insurance company, pension fund or pension 6342
fund trust, retirement fund, including funds administered by a 6343
public agency, employees' profit-sharing fund or employees' 6344
profit-sharing trust, any association engaged, as a substantial 6345
part of its business or operations, in purchasing or holding 6346
securities, including a hedge fund, mutual fund, or private 6347
equity fund, or any trust in respect of which a bank is trustee 6348
or cotrustee, investment company registered under the 6349
"Investment Company Act of 1940," 15 U.S.C. 80a-1 et seq., 6350
collective investment trust organized by banks under Part Nine 6351
of the Rules of the Comptroller of the Currency, closed-end 6352
investment trust, chartered or licensed life insurance company 6353
or property and casualty insurance company, investment advisor 6354
registered under the "Investment Advisors Act of 1940," 15 6355
U.S.C. 80 b-1 et seq., and such other persons as the commission 6356
may reasonably determine to qualify as an institutional investor 6357
for reasons consistent with this chapter, and that does not 6358
exercise control over the affairs of a licensee and its 6359
ownership interest in a licensee is for investment purposes 6360
only, as set forth in division (E) of section 3772.10 of the 6361

Revised Code. 6362

~~(P)~~(Q) "Key employee" means any executive, employee, 6363
agent, or other individual who has the power to exercise 6364
significant influence over decisions concerning any part of the 6365
operation of a person that has applied for or holds a casino 6366
operator, management company, or gaming-related vendor license 6367
or the operation of a holding company of a person that has 6368
applied for or holds a casino operator, management company, or 6369
gaming-related vendor license, including: 6370

(1) An officer, director, trustee, partner, or an 6371
equivalent fiduciary; 6372

(2) An individual who holds a direct or indirect ownership 6373
interest of five per cent or more; 6374

(3) An individual who performs the function of a principal 6375
executive officer, principal operating officer, principal 6376
accounting officer, or an equivalent officer; 6377

(4) Any other individual the commission determines to have 6378
the power to exercise significant influence over decisions 6379
concerning any part of the operation. 6380

~~(Q)~~(R) "Licensed casino operator" means a casino operator 6381
that has been issued a license by the commission and that has 6382
been certified annually by the commission to have paid all 6383
applicable fees, taxes, and debts to the state. 6384

~~(R)~~(S) "Majority ownership interest" in a license or in a 6385
casino facility, as the case may be, means ownership of more 6386
than fifty per cent of such license or casino facility, as the 6387
case may be. For purposes of the foregoing, whether a majority 6388
ownership interest is held in a license or in a casino facility, 6389
as the case may be, shall be determined under the rules for 6390

constructive ownership of stock provided in Treas. Reg. 1.409A- 6391
3(i)(5)(iii) as in effect on January 1, 2009. 6392

~~(S)~~(T) "Management company" means an organization 6393
retained by a casino operator to manage a casino facility and 6394
provide services such as accounting, general administration, 6395
maintenance, recruitment, and other operational services. 6396

~~(T)~~(U) "Ohio law enforcement training fund" means the 6397
state law enforcement training fund described in Section 6(C)(3) 6398
(f) of Article XV, Ohio Constitution, the money in which shall 6399
be used to enhance public safety by providing additional 6400
training opportunities to the law enforcement community. 6401

~~(U)~~(V) "Person" includes, but is not limited to, an 6402
individual or a combination of individuals; a sole 6403
proprietorship, a firm, a company, a joint venture, a 6404
partnership of any type, a joint-stock company, a corporation of 6405
any type, a corporate subsidiary of any type, a limited 6406
liability company, a business trust, or any other business 6407
entity or organization; an assignee; a receiver; a trustee in 6408
bankruptcy; an unincorporated association, club, society, or 6409
other unincorporated entity or organization; entities that are 6410
disregarded for federal income tax purposes; and any other 6411
nongovernmental, artificial, legal entity that is capable of 6412
engaging in business. 6413

~~(V)~~(W) "Problem casino gambling and addictions fund" 6414
means the state problem gambling and addictions fund described 6415
in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the 6416
money in which shall be used for treatment of problem gambling 6417
and substance abuse, and for related research. 6418

~~(W)~~(X) "Promotional gaming credit" means a slot machine 6419

or table game credit, discount, or other similar item issued to 6420
a patron to enable the placement of, or increase in, a wager at 6421
a slot machine or table game. 6422

~~(X)~~ (Y) "Slot machine" means any mechanical, electrical, 6423
or other device or machine which, upon insertion of a coin, 6424
token, ticket, or similar object, or upon payment of any 6425
consideration, is available to play or operate, the play or 6426
operation of which, whether by reason of the skill of the 6427
operator or application of the element of chance, or both, makes 6428
individual prize determinations for individual participants in 6429
cash, premiums, merchandise, tokens, or any thing of value, 6430
whether the payoff is made automatically from the machine or in 6431
any other manner, but does not include any device that is a 6432
skill-based amusement machine, as defined in section 2915.01 of 6433
the Revised Code. 6434

~~(Y)~~ (Z) "Table game" means any game played with cards, 6435
dice, or any mechanical, electromechanical, or electronic device 6436
or machine for money, casino credit, or any representative of 6437
value. "Table game" does not include slot machines. 6438

~~(Z)~~ (AA) "Upfront license" means the first plenary license 6439
issued to a casino operator. 6440

~~(AA)~~ (BB) "Voluntary exclusion program" means a program 6441
provided by the commission that allows persons to voluntarily 6442
exclude themselves from the gaming areas of facilities under the 6443
jurisdiction of the commission by placing their name on a 6444
voluntary exclusion list and following the procedures set forth 6445
by the commission. 6446

Sec. 3772.36. (A) There is hereby created in the state 6447
treasury the casino control commission enforcement fund. All 6448

moneys that are derived from any fines, mandatory fines, or 6449
~~forfeited bail~~ bail forfeiture to which the commission may be 6450
entitled under this chapter and all moneys that are derived from 6451
forfeitures of property to which the commission may be entitled 6452
under this chapter or Chapter 2981. of the Revised Code, any 6453
other provision of the Revised Code, or federal law shall be 6454
deposited into the fund. Subject to division (B) of this section 6455
and divisions (B), (C), and (D) of section 2981.13 of the 6456
Revised Code, the moneys in the fund shall be used solely to 6457
subsidize the commission's division of enforcement and its 6458
efforts to ensure the integrity of casino gaming. 6459

(B) Notwithstanding any contrary provision in the Revised 6460
Code, moneys that are derived from forfeitures of property under 6461
federal law and that are deposited into the casino control 6462
commission enforcement fund in accordance with division (A) of 6463
this section shall be used and accounted for in accordance with 6464
the applicable federal law, and the commission otherwise shall 6465
comply with federal law in connection with that money. 6466

Sec. 4501.11. (A) There is hereby created in the state 6467
treasury the security, investigations, and policing fund. 6468
Notwithstanding section 5503.04 of the Revised Code, no fines 6469
collected from or money arising from bonds or bail ~~forfeited~~ 6470
forfeiture by persons apprehended or arrested by state highway 6471
patrol troopers shall be credited to the general revenue fund 6472
until sufficient revenue to fund appropriations for the 6473
activities described under division (B) of this section are 6474
credited to the security, investigations, and policing fund. All 6475
investment earnings of the security, investigations, and 6476
policing fund shall be credited to that fund. 6477

This division does not apply to fines for violations of 6478

division (B) of section 4513.263 of the Revised Code, or to 6479
fines for violations of any municipal ordinance that is 6480
substantively comparable to that division, which fines shall be 6481
delivered to the treasurer of state as provided in division (E) 6482
of section 4513.263 of the Revised Code. 6483

(B) The money credited to the security, investigations, 6484
and policing fund shall be used to pay the costs of: 6485

(1) Providing security for the governor, other officials 6486
and dignitaries, the capitol square, and other state property 6487
pursuant to division (E) of section 5503.02 of the Revised Code; 6488

(2) Undertaking major criminal investigations that involve 6489
state property interests; 6490

(3) Providing traffic control and security for the Ohio 6491
expositions commission on a full-time, year-round basis; 6492

(4) Performing nonhighway-related duties of the state 6493
highway patrol at the Ohio state fair. 6494

(C) As used in this section, "bail forfeiture" has the 6495
same meaning as in section 2937.01 of the Revised Code. 6496

Sec. 4506.01. As used in this chapter: 6497

(A) "Alcohol concentration" means the concentration of 6498
alcohol in a person's blood, breath, or urine. When expressed as 6499
a percentage, it means grams of alcohol per the following: 6500

(1) One hundred milliliters of whole blood, blood serum, 6501
or blood plasma; 6502

(2) Two hundred ten liters of breath; 6503

(3) One hundred milliliters of urine. 6504

(B) "Bail forfeiture" has the same meaning as in section 6505

2937.01 of the Revised Code. 6506

(C) "Commercial driver's license" means a license issued 6507
in accordance with this chapter that authorizes an individual to 6508
drive a commercial motor vehicle. 6509

~~(C)~~(D) "Commercial driver's license information system" 6510
means the information system established pursuant to the 6511
requirements of the "Commercial Motor Vehicle Safety Act of 6512
1986," 100 Stat. 3207-171, 49 U.S.C.A. App. 2701. 6513

~~(D)~~(E) Except when used in section 4506.25 of the Revised 6514
Code, "commercial motor vehicle" means any motor vehicle 6515
designed or used to transport persons or property that meets any 6516
of the following qualifications: 6517

(1) Any combination of vehicles with a gross vehicle 6518
weight or combined gross vehicle weight rating of twenty-six 6519
thousand one pounds or more, provided the gross vehicle weight 6520
or gross vehicle weight rating of the vehicle or vehicles being 6521
towed is in excess of ten thousand pounds; 6522

(2) Any single vehicle with a gross vehicle weight or 6523
gross vehicle weight rating of twenty-six thousand one pounds or 6524
more; 6525

(3) Any single vehicle or combination of vehicles that is 6526
not a class A or class B vehicle, but is designed to transport 6527
sixteen or more passengers including the driver; 6528

(4) Any school bus with a gross vehicle weight or gross 6529
vehicle weight rating of less than twenty-six thousand one 6530
pounds that is designed to transport fewer than sixteen 6531
passengers including the driver; 6532

(5) Is transporting hazardous materials for which 6533

placarding is required under subpart F of 49 C.F.R. part 172, as 6534
amended; 6535

(6) Any single vehicle or combination of vehicles that is 6536
designed to be operated and to travel on a public street or 6537
highway and is considered by the federal motor carrier safety 6538
administration to be a commercial motor vehicle, including, but 6539
not limited to, a motorized crane, a vehicle whose function is 6540
to pump cement, a rig for drilling wells, and a portable crane. 6541

~~(E)~~ (F) "Controlled substance" means all of the following: 6542

(1) Any substance classified as a controlled substance 6543
under the "Controlled Substances Act," 80 Stat. 1242 (1970), 21 6544
U.S.C.A. 802(6), as amended; 6545

(2) Any substance included in schedules I through V of 21 6546
C.F.R. part 1308, as amended; 6547

(3) Any drug of abuse. 6548

~~(F)~~ (G) "Conviction" means an unvacated adjudication of 6549
guilt or a determination that a person has violated or failed to 6550
comply with the law in a court of original jurisdiction or an 6551
authorized administrative tribunal, an unvacated bail forfeiture 6552
~~of bail~~ or collateral deposited to secure the person's 6553
appearance in court, a plea of guilty or nolo contendere 6554
accepted by the court, the payment of a fine or court cost, or 6555
violation of a condition of release without bail, regardless of 6556
whether or not the penalty is rebated, suspended, or probated. 6557

~~(G)~~ (H) "Disqualification" means any of the following: 6558

(1) The suspension, revocation, or cancellation of a 6559
person's privileges to operate a commercial motor vehicle; 6560

(2) Any withdrawal of a person's privileges to operate a 6561

commercial motor vehicle as the result of a violation of state 6562
or local law relating to motor vehicle traffic control other 6563
than parking, vehicle weight, or vehicle defect violations; 6564

(3) A determination by the federal motor carrier safety 6565
administration that a person is not qualified to operate a 6566
commercial motor vehicle under 49 C.F.R. 391. 6567

~~(H)~~ (I) "Domiciled" means having a true, fixed, principal, 6568
and permanent residence to which an individual intends to 6569
return. 6570

~~(I)~~ (J) "Downgrade" means any of the following, as 6571
applicable: 6572

(1) A change in the commercial driver's license, or 6573
commercial driver's license temporary instruction permit, 6574
holder's self-certified status as described in division (A) (1) 6575
of section 4506.10 of the Revised Code; 6576

(2) A change to a lesser class of vehicle; 6577

(3) Removal of commercial driver's license privileges from 6578
the individual's driver's license. 6579

~~(J)~~ (K) "Drive" means to drive, operate, or be in physical 6580
control of a motor vehicle. 6581

~~(K)~~ (L) "Driver" means any person who drives, operates, or 6582
is in physical control of a commercial motor vehicle or is 6583
required to have a commercial driver's license. 6584

~~(L)~~ (M) "Driver's license" means a license issued by the 6585
bureau of motor vehicles that authorizes an individual to drive. 6586

~~(M)~~ (N) "Drug of abuse" means any controlled substance, 6587
dangerous drug as defined in section 4729.01 of the Revised 6588

Code, or over-the-counter medication that, when taken in 6589
quantities exceeding the recommended dosage, can result in 6590
impairment of judgment or reflexes. 6591

~~(N)~~(O) "Electronic device" includes a cellular telephone, 6592
a personal digital assistant, a pager, a computer, and any other 6593
device used to input, write, send, receive, or read text. 6594

~~(O)~~(P) "Eligible unit of local government" means a 6595
village, township, or county that has a population of not more 6596
than three thousand persons according to the most recent federal 6597
census. 6598

~~(P)~~(Q) "Employer" means any person, including the federal 6599
government, any state, and a political subdivision of any state, 6600
that owns or leases a commercial motor vehicle or assigns a 6601
person to drive such a motor vehicle. 6602

~~(Q)~~(R) "Endorsement" means an authorization on a person's 6603
commercial driver's license that is required to permit the 6604
person to operate a specified type of commercial motor vehicle. 6605

~~(R)~~(S) "Farm truck" means a truck controlled and operated 6606
by a farmer for use in the transportation to or from a farm, for 6607
a distance of not more than one hundred fifty miles, of products 6608
of the farm, including livestock and its products, poultry and 6609
its products, floricultural and horticultural products, and in 6610
the transportation to the farm, from a distance of not more than 6611
one hundred fifty miles, of supplies for the farm, including 6612
tile, fence, and every other thing or commodity used in 6613
agricultural, floricultural, horticultural, livestock, and 6614
poultry production, and livestock, poultry, and other animals 6615
and things used for breeding, feeding, or other purposes 6616
connected with the operation of the farm, when the truck is 6617

operated in accordance with this division and is not used in the 6618
operations of a motor carrier, as defined in section 4923.01 of 6619
the Revised Code. 6620

~~(S)~~ (T) "Fatality" means the death of a person as the 6621
result of a motor vehicle accident occurring not more than three 6622
hundred sixty-five days prior to the date of death. 6623

~~(T)~~ (U) "Felony" means any offense under federal or state 6624
law that is punishable by death or specifically classified as a 6625
felony under the law of this state, regardless of the penalty 6626
that may be imposed. 6627

~~(U)~~ (V) "Foreign jurisdiction" means any jurisdiction 6628
other than a state. 6629

~~(V)~~ (W) "Gross vehicle weight rating" means the value 6630
specified by the manufacturer as the maximum loaded weight of a 6631
single or a combination vehicle. The gross vehicle weight rating 6632
of a combination vehicle is the gross vehicle weight rating of 6633
the power unit plus the gross vehicle weight rating of each 6634
towed unit. 6635

~~(W)~~ (X) "Hazardous materials" means any material that has 6636
been designated as hazardous under 49 U.S.C. 5103 and is 6637
required to be placarded under subpart F of 49 C.F.R. part 172 6638
or any quantity of a material listed as a select agent or toxin 6639
in 42 C.F.R. part 73, as amended. 6640

~~(X)~~ (Y) "Imminent hazard" means the existence of a 6641
condition that presents a substantial likelihood that death, 6642
serious illness, severe personal injury, or a substantial 6643
endangerment to health, property, or the environment may occur 6644
before the reasonably foreseeable completion date of a formal 6645
proceeding begun to lessen the risk of that death, illness, 6646

injury, or endangerment. 6647

~~(Y)~~ (Z) "Medical variance" means one of the following 6648
received by a driver from the federal motor carrier safety 6649
administration that allows the driver to be issued a medical 6650
certificate: 6651

(1) An exemption letter permitting operation of a 6652
commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 6653
C.F.R. 391.64; 6654

(2) A skill performance evaluation certificate permitting 6655
operation of a commercial motor vehicle pursuant to 49 C.F.R. 6656
391.49. 6657

~~(Z)~~ (AA) "Mobile telephone" means a mobile communication 6658
device that falls under or uses any commercial mobile radio 6659
service as defined in 47 C.F.R. 20, except that mobile telephone 6660
does not include two-way or citizens band radio services. 6661

~~(AA)~~ (BB) "Motor vehicle" means a vehicle, machine, 6662
tractor, trailer, or semitrailer propelled or drawn by 6663
mechanical power used on highways, except that such term does 6664
not include a vehicle, machine, tractor, trailer, or semitrailer 6665
operated exclusively on a rail. 6666

~~(BB)~~ (CC) "Out-of-service order" means a declaration by an 6667
authorized enforcement officer of a federal, state, local, 6668
Canadian, or Mexican jurisdiction declaring that a driver, 6669
commercial motor vehicle, or commercial motor carrier operation 6670
is out of service as defined in 49 C.F.R. 390.5. 6671

~~(CC)~~ (DD) "Peace officer" has the same meaning as in 6672
section 2935.01 of the Revised Code. 6673

~~(DD)~~ (EE) "Portable tank" means a liquid or gaseous 6674

packaging designed primarily to be loaded onto or temporarily 6675
attached to a vehicle and equipped with skids, mountings, or 6676
accessories to facilitate handling of the tank by mechanical 6677
means. 6678

~~(EE)~~ (FF) "Public safety vehicle" has the same meaning as 6679
in divisions (E) (1) and (3) of section 4511.01 of the Revised 6680
Code. 6681

~~(FF)~~ (GG) "Recreational vehicle" includes every vehicle 6682
that is defined as a recreational vehicle in section 4501.01 of 6683
the Revised Code and is used exclusively for purposes other than 6684
engaging in business for profit. 6685

~~(GG)~~ (HH) "Residence" means any person's residence 6686
determined in accordance with standards prescribed in rules 6687
adopted by the registrar. 6688

~~(HH)~~ (II) "School bus" has the same meaning as in section 6689
4511.01 of the Revised Code. 6690

~~(II)~~ (JJ) "Serious traffic violation" means any of the 6691
following: 6692

(1) A conviction arising from a single charge of operating 6693
a commercial motor vehicle in violation of any provision of 6694
section 4506.03 of the Revised Code; 6695

(2) (a) Except as provided in division (II) (2) (b) of this 6696
section, a violation while operating a commercial motor vehicle 6697
of a law of this state, or any municipal ordinance or county or 6698
township resolution, or any other substantially similar law of 6699
another state or political subdivision of another state 6700
prohibiting either of the following: 6701

(i) Texting while driving; 6702

- (ii) Using a handheld mobile telephone. 6703
- (b) It is not a serious traffic violation if the person 6704
was texting or using a handheld mobile telephone to contact law 6705
enforcement or other emergency services. 6706
- (3) A conviction arising from the operation of any motor 6707
vehicle that involves any of the following: 6708
- (a) A single charge of any speed in excess of the posted 6709
speed limit by fifteen miles per hour or more; 6710
- (b) Violation of section 4511.20 or 4511.201 of the 6711
Revised Code or any similar ordinance or resolution, or of any 6712
similar law of another state or political subdivision of another 6713
state; 6714
- (c) Violation of a law of this state or an ordinance or 6715
resolution relating to traffic control, other than a parking 6716
violation, or of any similar law of another state or political 6717
subdivision of another state, that results in a fatal accident; 6718
- (d) Violation of section 4506.03 of the Revised Code or a 6719
substantially similar municipal ordinance or county or township 6720
resolution, or of any similar law of another state or political 6721
subdivision of another state, that involves the operation of a 6722
commercial motor vehicle without a valid commercial driver's 6723
license with the proper class or endorsement for the specific 6724
vehicle group being operated or for the passengers or type of 6725
cargo being transported; 6726
- (e) Violation of section 4506.03 of the Revised Code or a 6727
substantially similar municipal ordinance or county or township 6728
resolution, or of any similar law of another state or political 6729
subdivision of another state, that involves the operation of a 6730
commercial motor vehicle without a valid commercial driver's 6731

license being in the person's possession; 6732

(f) Violation of section 4511.33 or 4511.34 of the Revised 6733
Code, or any municipal ordinance or county or township 6734
resolution substantially similar to either of those sections, or 6735
any substantially similar law of another state or political 6736
subdivision of another state; 6737

(g) Violation of any other law of this state, any law of 6738
another state, or any ordinance or resolution of a political 6739
subdivision of this state or another state that meets both of 6740
the following requirements: 6741

(i) It relates to traffic control, other than a parking 6742
violation; 6743

(ii) It is determined to be a serious traffic violation by 6744
the United States secretary of transportation and is designated 6745
by the director as such by rule. 6746

~~(JJ)~~ (KK) "State" means a state of the United States and 6747
includes the District of Columbia. 6748

~~(KK)~~ (LL) "Tank vehicle" means any commercial motor 6749
vehicle that is designed to transport any liquid or gaseous 6750
materials within a tank or tanks that are either permanently or 6751
temporarily attached to the vehicle or its chassis and have an 6752
individual rated capacity of more than one hundred nineteen 6753
gallons and an aggregate rated capacity of one thousand gallons 6754
or more. "Tank vehicle" does not include a commercial motor 6755
vehicle transporting an empty storage container tank that is not 6756
designed for transportation, has a rated capacity of one 6757
thousand gallons or more, and is temporarily attached to a 6758
flatbed trailer. 6759

~~(LL)~~ (MM) "Tester" means a person or entity acting 6760

pursuant to a valid agreement entered into pursuant to division 6761
(B) of section 4506.09 of the Revised Code. 6762

~~(MM)~~ (NN) "Texting" means manually entering alphanumeric 6763
text into, or reading text from, an electronic device. Texting 6764
includes short message service, e-mail, instant messaging, a 6765
command or request to access a world wide web page, pressing 6766
more than a single button to initiate or terminate a voice 6767
communication using a mobile telephone, or engaging in any other 6768
form of electronic text retrieval or entry, for present or 6769
future communication. Texting does not include the following: 6770

(1) Using voice commands to initiate, receive, or 6771
terminate a voice communication using a mobile telephone; 6772

(2) Inputting, selecting, or reading information on a 6773
global positioning system or navigation system; 6774

(3) Pressing a single button to initiate or terminate a 6775
voice communication using a mobile telephone; or 6776

(4) Using, for a purpose that is not otherwise prohibited 6777
by law, a device capable of performing multiple functions, such 6778
as a fleet management system, a dispatching device, a mobile 6779
telephone, a citizens band radio, or a music player. 6780

~~(NN)~~ (OO) "Texting while driving" means texting while 6781
operating a commercial motor vehicle, with the motor running, 6782
including while temporarily stationary because of traffic, a 6783
traffic control device, or other momentary delays. Texting while 6784
driving does not include operating a commercial motor vehicle 6785
with or without the motor running when the driver has moved the 6786
vehicle to the side of, or off, a highway and is stopped in a 6787
location where the vehicle can safely remain stationary. 6788

~~(OO)~~ (PP) "United States" means the fifty states and the 6789

District of Columbia. 6790

~~(PP)~~ (QQ) "Upgrade" means a change in the class of 6791
vehicles, endorsements, or self-certified status as described in 6792
division (A) (1) of section 4506.10 of the Revised Code, that 6793
expands the ability of a current commercial driver's license 6794
holder to operate commercial motor vehicles under this chapter; 6795

~~(QQ)~~ (RR) "Use of a handheld mobile telephone" means: 6796

(1) Using at least one hand to hold a mobile telephone to 6797
conduct a voice communication; 6798

(2) Dialing or answering a mobile telephone by pressing 6799
more than a single button; or 6800

(3) Reaching for a mobile telephone in a manner that 6801
requires a driver to maneuver so that the driver is no longer in 6802
a seated driving position, or restrained by a seat belt that is 6803
installed in accordance with 49 C.F.R. 393.93 and adjusted in 6804
accordance with the vehicle manufacturer's instructions. 6805

~~(RR)~~ (SS) "Vehicle" has the same meaning as in section 6806
4511.01 of the Revised Code. 6807

Sec. 4506.16. (A) Any person who is found to have been 6808
convicted of a violation of an out-of-service order shall be 6809
disqualified by the registrar of motor vehicles as follows: 6810

(1) If the person has not been convicted previously of a 6811
violation of an out-of-service order, the period of 6812
disqualification is one hundred eighty days. 6813

(2) If, during any ten-year period, the driver is 6814
convicted of a second violation of an out-of-service order in an 6815
incident separate from the incident that resulted in the first 6816
violation, the period of disqualification is two years. 6817

(3) If, during any ten-year period, the driver is 6818
convicted of a third or subsequent violation of an out-of- 6819
service order in an incident separate from the incidents that 6820
resulted in the previous violations during that ten-year period, 6821
the period of disqualification is three years. 6822

(B) (1) A driver is disqualified for one hundred eighty 6823
days if the driver is convicted of a first violation of an out- 6824
of-service order while transporting hazardous materials required 6825
to be placarded under the "Hazardous Materials Transportation 6826
Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, or 6827
while operating a motor vehicle designed to transport sixteen or 6828
more passengers, including the driver. 6829

(2) A driver is disqualified for a period of three years 6830
if, during any ten-year period, the driver is convicted of a 6831
second or subsequent violation, in an incident separate from the 6832
incident that resulted in a previous violation during that ten- 6833
year period, of an out-of-service order while transporting 6834
hazardous materials required to be placarded under that act, or 6835
while operating a motor vehicle designed to transport sixteen or 6836
more passengers, including the driver. 6837

(C) Whoever violates division (A) (1) of section 4506.15 of 6838
the Revised Code or a similar law of another state or a foreign 6839
jurisdiction, immediately shall be placed out-of-service for 6840
twenty-four hours, in addition to any disqualification required 6841
by this section and any other penalty imposed by the Revised 6842
Code. 6843

(D) The registrar of motor vehicles shall disqualify any 6844
holder of a commercial driver's license or commercial driver's 6845
license temporary instruction permit, or any operator of a 6846
commercial motor vehicle for which a commercial driver's license 6847

or permit is required, from operating a commercial motor vehicle 6848
as follows: 6849

(1) Upon a first conviction for a violation of any 6850
provision of divisions (A) (2) to (12) of section 4506.15 of the 6851
Revised Code or a similar law of another state or a foreign 6852
jurisdiction, or upon a first suspension imposed under section 6853
4511.191 of the Revised Code or a similar law of another state 6854
or foreign jurisdiction, one year; 6855

(2) Upon a second conviction for a violation of any 6856
provision of divisions (A) (2) to (12) of section 4506.15 of the 6857
Revised Code or a similar law of another state or a foreign 6858
jurisdiction, or upon a second suspension imposed under section 6859
4511.191 of the Revised Code or a similar law of another state 6860
or foreign jurisdiction, or any combination of such violations 6861
arising from two or more separate incidents, the person shall be 6862
disqualified for life or for any other period of time as 6863
determined by the United States secretary of transportation and 6864
designated by the director of public safety by rule; 6865

(3) Upon a first conviction for any of the following 6866
violations while transporting hazardous materials, three years: 6867

(a) Divisions (A) (2) to (12) of section 4506.15 of the 6868
Revised Code; 6869

(b) A similar law of another state or a foreign 6870
jurisdiction. 6871

(4) Upon conviction of a violation of division (A) (13) of 6872
section 4506.15 of the Revised Code or a similar law of another 6873
state or a foreign jurisdiction, the person shall be 6874
disqualified for life; 6875

(5) (a) Upon conviction of two serious traffic violations 6876

involving the operation of a commercial motor vehicle by the 6877
person and arising from separate incidents occurring in a three- 6878
year period, the person shall be disqualified for sixty days, 6879
which disqualification shall be imposed consecutively to any 6880
other separate disqualification imposed under division (D) (5) or 6881
(6) of this section; 6882

(b) Upon conviction of three or more serious traffic 6883
violations involving the operation of a commercial motor vehicle 6884
by the person and arising from separate incidents occurring in a 6885
three-year period, the person shall be disqualified for one 6886
hundred twenty days, which disqualification shall be imposed 6887
consecutively to any other separate disqualification imposed 6888
under division (D) (5) or (6) of this section; 6889

(6) (a) Upon conviction of two serious traffic violations 6890
involving the operation of a vehicle other than a commercial 6891
motor vehicle by the person and arising from separate incidents 6892
occurring in a three-year period, the person shall be 6893
disqualified for sixty days if the conviction results in the 6894
suspension, cancellation, or revocation of the holder's 6895
commercial driver's license or commercial driver's license 6896
temporary instruction permit, or noncommercial motor vehicle 6897
driving privileges, which disqualification shall be imposed 6898
consecutively to any other separate disqualification imposed 6899
under division (D) (5) or (6) of this section; 6900

(b) Upon conviction of three or more serious traffic 6901
violations involving the operation of a vehicle other than a 6902
commercial motor vehicle by the person and arising from separate 6903
incidents occurring in a three-year period, the person shall be 6904
disqualified for one hundred twenty days if the conviction 6905
results in the suspension, cancellation, or revocation of the 6906

holder's commercial driver's license or permit, or noncommercial 6907
motor vehicle driving privileges, which disqualification shall 6908
be imposed consecutively to any other separate disqualification 6909
imposed under division (D) (5) or (6) of this section. 6910

(7) Upon a first conviction involving the operation of a 6911
commercial motor vehicle in violation of any provisions of 6912
sections 4511.61 to 4511.63 of the Revised Code or a similar law 6913
of another state or foreign jurisdiction, not less than sixty 6914
days; 6915

(8) Upon a second conviction involving the operation of a 6916
commercial motor vehicle in violation of any provisions of 6917
sections 4511.61 to 4511.63 of the Revised Code or a similar law 6918
of another state or foreign jurisdiction within three years of 6919
the first such conviction, not less than one hundred twenty 6920
days; 6921

(9) Upon a third or subsequent conviction involving the 6922
operation of a commercial motor vehicle in violation of any 6923
provisions of sections 4511.61 to 4511.63 of the Revised Code or 6924
a similar law of another state or foreign jurisdiction within 6925
three years of the first such conviction, not less than one 6926
year; 6927

(10) Upon receiving notification from the federal motor 6928
carrier safety administration, the registrar immediately, prior 6929
to any hearing, shall disqualify any commercial motor vehicle 6930
driver whose driving is determined to constitute an imminent 6931
hazard as defined under federal motor carrier safety regulation 6932
49 C.F.R. 383.52. 6933

(E) For the purposes of this section, conviction of a 6934
violation for which disqualification is required includes 6935

conviction under any municipal ordinance that is substantially similar to any section of the Revised Code that is set forth in division (D) of this section and may be evidenced by any of the following:

(1) A judgment entry of a court of competent jurisdiction in this or any other state;

(2) An administrative order of a state agency of this or any other state having statutory jurisdiction over commercial drivers;

(3) A computer record obtained from or through the commercial driver's license information system;

(4) A computer record obtained from or through a state agency of this or any other state having statutory jurisdiction over commercial drivers or the records of commercial drivers.

(F) For purposes of this section, conviction of disqualifying offenses committed in a noncommercial motor vehicle are included if either of the following applies:

(1) The offense occurred after the person obtained the person's commercial driver's license or commercial driver's license temporary instruction permit.

(2) The offense occurs on or after September 30, 2005.

(G) If a person commits a serious traffic violation by operating a commercial motor vehicle without having a commercial driver's license or commercial driver's license temporary instruction permit in the person's possession as described in division ~~(II) (3) (e)~~ (JJ) (3) (e) of section 4506.01 of the Revised Code and the person then submits proof to either the enforcement agency that issued the citation for the violation or to the

court with jurisdiction over the case before the date of the 6964
person's initial appearance that shows that the person held a 6965
valid commercial driver's license or permit at the time of the 6966
violation, the violation shall not be deemed to be a serious 6967
traffic violation. 6968

(H) Any record described in division (C) of this section 6969
shall be deemed to be self-authenticating when it is received by 6970
the bureau of motor vehicles. 6971

(I) When disqualifying a driver, the registrar shall cause 6972
the records of the bureau to be updated to reflect that action 6973
within ten days after it occurs. 6974

(J) The registrar immediately shall notify a driver who is 6975
finally convicted of any offense described in section 4506.15 of 6976
the Revised Code or division (D) (4), (5), or (6) of this section 6977
and thereby is subject to disqualification, of the offense or 6978
offenses involved, of the length of time for which 6979
disqualification is to be imposed, and that the driver may 6980
request a hearing within thirty days of the mailing of the 6981
notice to show cause why the driver should not be disqualified 6982
from operating a commercial motor vehicle. If a request for such 6983
a hearing is not made within thirty days of the mailing of the 6984
notice, the order of disqualification is final. The registrar 6985
may designate hearing examiners who, after affording all parties 6986
reasonable notice, shall conduct a hearing to determine whether 6987
the disqualification order is supported by reliable evidence. 6988
The registrar shall adopt rules to implement this division. 6989

(K) Any person who is disqualified from operating a 6990
commercial motor vehicle under this section may apply to the 6991
registrar for a driver's license to operate a motor vehicle 6992
other than a commercial motor vehicle, provided the person's 6993

commercial driver's license is not otherwise suspended. A person 6994
whose commercial driver's license is suspended shall not apply 6995
to the registrar for or receive a driver's license under Chapter 6996
4507. of the Revised Code during the period of suspension. 6997

(L) The disqualifications imposed under this section are 6998
in addition to any other penalty imposed by the Revised Code. 6999

(M) Any conviction for an offense that would lead to 7000
disqualification as specified in this section, whether committed 7001
in a commercial motor vehicle or a vehicle other than a 7002
commercial motor vehicle, shall be counted for the purposes of 7003
determining the number of violations and the appropriate 7004
disqualification period under this section. 7005

Sec. 4509.01. As used in sections 4509.01 to 4509.78 of 7006
the Revised Code: 7007

(A) "Person" includes every natural person, firm, 7008
partnership, association, or corporation. 7009

(B) "Driver" means every person who drives or is in actual 7010
physical control of a motor vehicle. 7011

(C) "License" includes any license, permit, or privilege 7012
to operate a motor vehicle issued under the laws of this state 7013
including: 7014

(1) Any temporary instruction permit or examiner's driving 7015
permit; 7016

(2) The privilege of any person to drive a motor vehicle 7017
whether or not such person holds a valid license; 7018

(3) Any nonresident's operating privilege. 7019

(D) "Owner" means a person who holds the legal title of a 7020

motor vehicle. If a motor vehicle is the subject of a lease with 7021
an immediate right of possession vested in the lessee, the 7022
lessee is the owner. A person listed as the owner on a 7023
certificate of title on which there is a notation of a security 7024
interest is the owner. A buyer or other transferee of a motor 7025
vehicle who receives the certificate of title from the seller or 7026
transferor listing the seller or transferor thereon as the owner 7027
with an assignment of title to the buyer or transferee 7028
nonetheless is the owner even though a subsequent certificate of 7029
title has not been issued listing the buyer or transferee as the 7030
owner. 7031

(E) "Registration" means registration certificates and 7032
registration plates issued under the laws of this state 7033
pertaining to the registration of motor vehicles. 7034

(F) "Nonresident" means every person who is not a resident 7035
of this state. 7036

(G) "Nonresident's operating privilege" means the 7037
privilege conferred upon a nonresident by the laws of this state 7038
pertaining to the operation by such person of a motor vehicle, 7039
or the use of a motor vehicle owned by such person, in this 7040
state. 7041

(H) "Vehicle" means every device by which any person or 7042
property may be transported upon a highway, except electric 7043
personal assistive mobility devices, low-speed micromobility 7044
devices, devices moved by power collected from overhead electric 7045
trolley wires, or used exclusively upon stationary rails or 7046
tracks, and except devices other than bicycles moved by human 7047
power. 7048

(I) "Motor vehicle" means every vehicle propelled by power 7049

other than muscular power or power collected from overhead 7050
electric trolley wires, except motorized bicycles, electric 7051
bicycles, road rollers, traction engines, power shovels, power 7052
cranes and other equipment used in construction work and not 7053
designed for or employed in general highway transportation, 7054
hole-digging machinery, well-drilling machinery, ditch-digging 7055
machinery, farm machinery, threshing machinery, hay baling 7056
machinery, and agricultural tractors and machinery used in the 7057
production of horticultural, floricultural, agricultural, and 7058
vegetable products. 7059

(J) "Accident" or "motor vehicle accident" means any 7060
accident involving a motor vehicle which results in bodily 7061
injury to or death of any person, or damage to the property of 7062
any person in excess of four hundred dollars. 7063

(K) "Proof of financial responsibility" means proof of 7064
ability to respond in damages for liability, on account of 7065
accidents occurring subsequent to the effective date of such 7066
proof, arising out of the ownership, maintenance, or use of a 7067
motor vehicle in the amount of twenty-five thousand dollars 7068
because of bodily injury to or death of one person in any one 7069
accident, in the amount of fifty thousand dollars because of 7070
bodily injury to or death of two or more persons in any one 7071
accident, and in the amount of twenty-five thousand dollars 7072
because of injury to property of others in any one accident. 7073

(L) "Motor-vehicle liability policy" means an "owner's 7074
policy" or an "operator's policy" of liability insurance, 7075
certified as provided in section 4509.46 or 4509.47 of the 7076
Revised Code as proof of financial responsibility, and issued, 7077
except as provided in section 4509.47 of the Revised Code, by an 7078
insurance carrier authorized to do business in this state, to or 7079

for the benefit of the person named therein as insured. 7080

(M) "Bail forfeiture" and "forfeited bail" have the same 7081
meanings as in section 2937.01 of the Revised Code. 7082

Sec. 4509.35. Whenever any person fails within thirty days 7083
to satisfy a judgment rendered within this state, upon the 7084
written request of the judgment creditor or the judgment 7085
creditor's attorney, the clerk of the court which rendered the 7086
judgment, or the judge of the court or mayor of the mayor's 7087
court if the court has no clerk, immediately shall forward a 7088
certified copy of the judgment to the registrar of motor 7089
vehicles. 7090

Whenever any nonresident has been convicted of an offense 7091
for which the court is required to impose a license suspension 7092
under any provision of the Revised Code or has forfeited bail 7093
given to secure the nonresident's appearance for trial upon a 7094
charge of any offense for which the court is required to impose 7095
a license suspension under any provision of the Revised Code, 7096
the clerk of every court of record and the mayor of every 7097
mayor's court immediately shall forward to the registrar a 7098
certified copy or transcript of the conviction or order 7099
~~forfeiture~~ of bail forfeiture. 7100

Sec. 4510.01. As used in this title and in Title XXIX of 7101
the Revised Code: 7102

(A) "Cancel" or "cancellation" means the annulment or 7103
termination by the bureau of motor vehicles of a driver's 7104
license, commercial driver's license, temporary instruction 7105
permit, probationary license, or nonresident operating privilege 7106
because it was obtained unlawfully, issued in error, altered, or 7107
willfully destroyed, or because the holder no longer is entitled 7108

to the license, permit, or privilege. 7109

(B) "Drug abuse offense," "cocaine," and "L.S.D." have the 7110
same meanings as in section 2925.01 of the Revised Code. 7111

(C) "Ignition interlock device" means a device approved by 7112
the director of public safety that connects a breath analyzer to 7113
a motor vehicle's ignition system, that is constantly available 7114
to monitor the concentration by weight of alcohol in the breath 7115
of any person attempting to start that motor vehicle by using 7116
its ignition system, and that deters starting the motor vehicle 7117
by use of its ignition system unless the person attempting to 7118
start the vehicle provides an appropriate breath sample for the 7119
device and the device determines that the concentration by 7120
weight of alcohol in the person's breath is below a preset 7121
level. 7122

(D) "Immobilizing or disabling device" means a device 7123
approved by the director of public safety that may be ordered by 7124
a court to be used by an offender as a condition of limited 7125
driving privileges. "Immobilizing or disabling device" includes 7126
an ignition interlock device, and any prototype device that is 7127
used according to protocols designed to ensure efficient and 7128
effective monitoring of limited driving privileges granted by a 7129
court to an offender. 7130

(E) "Moving violation" means any violation of any statute 7131
or ordinance that regulates the operation of vehicles, 7132
streetcars, or trackless trolleys on the highways or streets. 7133
"Moving violation" does not include a violation of section 7134
4513.263 of the Revised Code or a substantially equivalent 7135
municipal ordinance, a violation of any statute or ordinance 7136
regulating pedestrians or the parking of vehicles, vehicle size 7137
or load limitations, vehicle fitness requirements, or vehicle 7138

registration. 7139

(F) "Municipal OVI ordinance" and "municipal OVI offense" 7140
have the same meanings as in section 4511.181 of the Revised 7141
Code. 7142

(G) "Prototype device" means any testing device to monitor 7143
limited driving privileges that has not yet been approved or 7144
disapproved by the director of public safety. 7145

(H) "Suspend" or "suspension" means the permanent or 7146
temporary withdrawal, by action of a court or the bureau of 7147
motor vehicles, of a driver's license, commercial driver's 7148
license, temporary instruction permit, probationary license, or 7149
nonresident operating privilege for the period of the suspension 7150
or the permanent or temporary withdrawal of the privilege to 7151
obtain a license, permit, or privilege of that type for the 7152
period of the suspension. 7153

(I) "Controlled substance" and "marihuana" have the same 7154
meanings as in section 3719.01 of the Revised Code. 7155

(J) "Bail forfeiture," "forfeited bail," and "forfeits 7156
bail" have the same meanings as in section 2937.01 of the 7157
Revised Code. 7158

Sec. 4510.03. (A) Every county court judge, mayor of a 7159
mayor's court, and clerk of a court of record shall keep a full 7160
record of every case in which a person is charged with any 7161
violation of any provision of sections 4511.01 to 4511.771 or 7162
4513.01 to 4513.36 of the Revised Code or of any other law or 7163
ordinance regulating the operation of vehicles, streetcars, and 7164
trackless trolleys on highways or streets. 7165

(B) If a person is convicted of or forfeits bail in 7166
relation to a violation of any section listed in division (A) of 7167

this section or a violation of any other law or ordinance 7168
regulating the operation of vehicles, streetcars, and trackless 7169
trolleys on highways or streets, the county court judge, mayor 7170
of a mayor's court, or clerk, within seven days after the 7171
conviction or bail forfeiture, shall prepare and immediately 7172
forward to the bureau of motor vehicles an abstract, certified 7173
by the preparer to be true and correct, of the court record 7174
covering the case in which the person was convicted or forfeited 7175
bail. Every court of record also shall forward to the bureau of 7176
motor vehicles an abstract of the court record as described in 7177
division (C) of this section upon the conviction of any person 7178
of aggravated vehicular homicide or vehicular homicide or of a 7179
felony in the commission of which a vehicle was used. 7180

(C) Each abstract required by this section shall be made 7181
upon a form approved and furnished by the bureau and shall 7182
include the name and address of the person charged, the number 7183
of the person's driver's or commercial driver's license, 7184
probationary driver's license, or temporary instruction permit, 7185
the registration number of the vehicle involved, the nature of 7186
the offense, the date of the offense, the date of hearing, the 7187
plea, the judgment, or whether ~~bail~~there was forfeited a bail 7188
forfeiture, and the amount of the fine or forfeiture. 7189

Sec. 4511.01. As used in this chapter and in Chapter 4513. 7190
of the Revised Code: 7191

(A) "Vehicle" means every device, including a motorized 7192
bicycle and an electric bicycle, in, upon, or by which any 7193
person or property may be transported or drawn upon a highway, 7194
except that "vehicle" does not include any motorized wheelchair, 7195
any electric personal assistive mobility device, any low-speed 7196
micromobility device, any personal delivery device as defined in 7197

section 4511.513 of the Revised Code, any device that is moved 7198
by power collected from overhead electric trolley wires or that 7199
is used exclusively upon stationary rails or tracks, or any 7200
device, other than a bicycle, that is moved by human power. 7201

(B) "Motor vehicle" means every vehicle propelled or drawn 7202
by power other than muscular power or power collected from 7203
overhead electric trolley wires, except motorized bicycles, 7204
electric bicycles, road rollers, traction engines, power 7205
shovels, power cranes, and other equipment used in construction 7206
work and not designed for or employed in general highway 7207
transportation, hole-digging machinery, well-drilling machinery, 7208
ditch-digging machinery, farm machinery, and trailers designed 7209
and used exclusively to transport a boat between a place of 7210
storage and a marina, or in and around a marina, when drawn or 7211
towed on a street or highway for a distance of no more than ten 7212
miles and at a speed of twenty-five miles per hour or less. 7213

(C) "Motorcycle" means every motor vehicle, other than a 7214
tractor, having a seat or saddle for the use of the operator and 7215
designed to travel on not more than three wheels in contact with 7216
the ground, including, but not limited to, motor vehicles known 7217
as "motor-driven cycle," "motor scooter," "autocycle," "cab- 7218
enclosed motorcycle," or "motorcycle" without regard to weight 7219
or brake horsepower. 7220

(D) "Emergency vehicle" means emergency vehicles of 7221
municipal, township, or county departments or public utility 7222
corporations when identified as such as required by law, the 7223
director of public safety, or local authorities, and motor 7224
vehicles when commandeered by a police officer. 7225

(E) "Public safety vehicle" means any of the following: 7226

(1) Ambulances, including private ambulance companies	7227
under contract to a municipal corporation, township, or county,	7228
and private ambulances and nontransport vehicles bearing license	7229
plates issued under section 4503.49 of the Revised Code;	7230
(2) Motor vehicles used by public law enforcement officers	7231
or other persons sworn to enforce the criminal and traffic laws	7232
of the state;	7233
(3) Any motor vehicle when properly identified as required	7234
by the director of public safety, when used in response to fire	7235
emergency calls or to provide emergency medical service to ill	7236
or injured persons, and when operated by a duly qualified person	7237
who is a member of a volunteer rescue service or a volunteer	7238
fire department, and who is on duty pursuant to the rules or	7239
directives of that service. The state fire marshal shall be	7240
designated by the director of public safety as the certifying	7241
agency for all public safety vehicles described in division (E)	7242
(3) of this section.	7243
(4) Vehicles used by fire departments, including motor	7244
vehicles when used by volunteer fire fighters responding to	7245
emergency calls in the fire department service when identified	7246
as required by the director of public safety.	7247
Any vehicle used to transport or provide emergency medical	7248
service to an ill or injured person, when certified as a public	7249
safety vehicle, shall be considered a public safety vehicle when	7250
transporting an ill or injured person to a hospital regardless	7251
of whether such vehicle has already passed a hospital.	7252
(5) Vehicles used by the motor carrier enforcement unit	7253
for the enforcement of orders and rules of the public utilities	7254
commission as specified in section 5503.34 of the Revised Code.	7255

(F) "School bus" means every bus designed for carrying 7256
more than nine passengers that is owned by a public, private, or 7257
governmental agency or institution of learning and operated for 7258
the transportation of children to or from a school session or a 7259
school function, or owned by a private person and operated for 7260
compensation for the transportation of children to or from a 7261
school session or a school function, provided "school bus" does 7262
not include a bus operated by a municipally owned transportation 7263
system, a mass transit company operating exclusively within the 7264
territorial limits of a municipal corporation, or within such 7265
limits and the territorial limits of municipal corporations 7266
immediately contiguous to such municipal corporation, nor a 7267
common passenger carrier certified by the public utilities 7268
commission unless such bus is devoted exclusively to the 7269
transportation of children to and from a school session or a 7270
school function, and "school bus" does not include a van or bus 7271
used by a licensed child day-care center or type A family day- 7272
care home to transport children from the child day-care center 7273
or type A family day-care home to a school if the van or bus 7274
does not have more than fifteen children in the van or bus at 7275
any time. 7276

(G) "Bicycle" means every device, other than a device that 7277
is designed solely for use as a play vehicle by a child, that is 7278
propelled solely by human power upon which a person may ride, 7279
and that has two or more wheels, any of which is more than 7280
fourteen inches in diameter. 7281

(H) "Motorized bicycle" or "moped" means any vehicle 7282
having either two tandem wheels or one wheel in the front and 7283
two wheels in the rear, that may be pedaled, and that is 7284
equipped with a helper motor of not more than fifty cubic 7285
centimeters piston displacement that produces not more than one 7286

brake horsepower and is capable of propelling the vehicle at a 7287
speed of not greater than twenty miles per hour on a level 7288
surface. "Motorized bicycle" or "moped" does not include an 7289
electric bicycle. 7290

(I) "Commercial tractor" means every motor vehicle having 7291
motive power designed or used for drawing other vehicles and not 7292
so constructed as to carry any load thereon, or designed or used 7293
for drawing other vehicles while carrying a portion of such 7294
other vehicles, or load thereon, or both. 7295

(J) "Agricultural tractor" means every self-propelling 7296
vehicle designed or used for drawing other vehicles or wheeled 7297
machinery but having no provision for carrying loads 7298
independently of such other vehicles, and used principally for 7299
agricultural purposes. 7300

(K) "Truck" means every motor vehicle, except trailers and 7301
semitrailers, designed and used to carry property. 7302

(L) "Bus" means every motor vehicle designed for carrying 7303
more than nine passengers and used for the transportation of 7304
persons other than in a ridesharing arrangement, and every motor 7305
vehicle, automobile for hire, or funeral car, other than a 7306
taxicab or motor vehicle used in a ridesharing arrangement, 7307
designed and used for the transportation of persons for 7308
compensation. 7309

(M) "Trailer" means every vehicle designed or used for 7310
carrying persons or property wholly on its own structure and for 7311
being drawn by a motor vehicle, including any such vehicle when 7312
formed by or operated as a combination of a "semitrailer" and a 7313
vehicle of the dolly type, such as that commonly known as a 7314
"trailer dolly," a vehicle used to transport agricultural 7315

produce or agricultural production materials between a local 7316
place of storage or supply and the farm when drawn or towed on a 7317
street or highway at a speed greater than twenty-five miles per 7318
hour, and a vehicle designed and used exclusively to transport a 7319
boat between a place of storage and a marina, or in and around a 7320
marina, when drawn or towed on a street or highway for a 7321
distance of more than ten miles or at a speed of more than 7322
twenty-five miles per hour. 7323

(N) "Semitrailer" means every vehicle designed or used for 7324
carrying persons or property with another and separate motor 7325
vehicle so that in operation a part of its own weight or that of 7326
its load, or both, rests upon and is carried by another vehicle. 7327

(O) "Pole trailer" means every trailer or semitrailer 7328
attached to the towing vehicle by means of a reach, pole, or by 7329
being boomed or otherwise secured to the towing vehicle, and 7330
ordinarily used for transporting long or irregular shaped loads 7331
such as poles, pipes, or structural members capable, generally, 7332
of sustaining themselves as beams between the supporting 7333
connections. 7334

(P) "Railroad" means a carrier of persons or property 7335
operating upon rails placed principally on a private right-of- 7336
way. 7337

(Q) "Railroad train" means a steam engine or an electric 7338
or other motor, with or without cars coupled thereto, operated 7339
by a railroad. 7340

(R) "Streetcar" means a car, other than a railroad train, 7341
for transporting persons or property, operated upon rails 7342
principally within a street or highway. 7343

(S) "Trackless trolley" means every car that collects its 7344

power from overhead electric trolley wires and that is not 7345
operated upon rails or tracks. 7346

(T) "Explosives" means any chemical compound or mechanical 7347
mixture that is intended for the purpose of producing an 7348
explosion that contains any oxidizing and combustible units or 7349
other ingredients in such proportions, quantities, or packing 7350
that an ignition by fire, by friction, by concussion, by 7351
percussion, or by a detonator of any part of the compound or 7352
mixture may cause such a sudden generation of highly heated 7353
gases that the resultant gaseous pressures are capable of 7354
producing destructive effects on contiguous objects, or of 7355
destroying life or limb. Manufactured articles shall not be held 7356
to be explosives when the individual units contain explosives in 7357
such limited quantities, of such nature, or in such packing, 7358
that it is impossible to procure a simultaneous or a destructive 7359
explosion of such units, to the injury of life, limb, or 7360
property by fire, by friction, by concussion, by percussion, or 7361
by a detonator, such as fixed ammunition for small arms, 7362
firecrackers, or safety fuse matches. 7363

(U) "Flammable liquid" means any liquid that has a flash 7364
point of seventy degrees fahrenheit, or less, as determined by a 7365
tagliabue or equivalent closed cup test device. 7366

(V) "Gross weight" means the weight of a vehicle plus the 7367
weight of any load thereon. 7368

(W) "Person" means every natural person, firm, co- 7369
partnership, association, or corporation. 7370

(X) "Pedestrian" means any natural person afoot. 7371
"Pedestrian" includes a personal delivery device as defined in 7372
section 4511.513 of the Revised Code unless the context clearly 7373

suggests otherwise. 7374

(Y) "Driver or operator" means every person who drives or 7375
is in actual physical control of a vehicle, trackless trolley, 7376
or streetcar. 7377

(Z) "Police officer" means every officer authorized to 7378
direct or regulate traffic, or to make arrests for violations of 7379
traffic regulations. 7380

(AA) "Local authorities" means every county, municipal, 7381
and other local board or body having authority to adopt police 7382
regulations under the constitution and laws of this state. 7383

(BB) "Street" or "highway" means the entire width between 7384
the boundary lines of every way open to the use of the public as 7385
a thoroughfare for purposes of vehicular travel. 7386

(CC) "Controlled-access highway" means every street or 7387
highway in respect to which owners or occupants of abutting 7388
lands and other persons have no legal right of access to or from 7389
the same except at such points only and in such manner as may be 7390
determined by the public authority having jurisdiction over such 7391
street or highway. 7392

(DD) "Private road or driveway" means every way or place 7393
in private ownership used for vehicular travel by the owner and 7394
those having express or implied permission from the owner but 7395
not by other persons. 7396

(EE) "Roadway" means that portion of a highway improved, 7397
designed, or ordinarily used for vehicular travel, except the 7398
berm or shoulder. If a highway includes two or more separate 7399
roadways the term "roadway" means any such roadway separately 7400
but not all such roadways collectively. 7401

(FF) "Sidewalk" means that portion of a street between the 7402
curb lines, or the lateral lines of a roadway, and the adjacent 7403
property lines, intended for the use of pedestrians. 7404

(GG) "Laned highway" means a highway the roadway of which 7405
is divided into two or more clearly marked lanes for vehicular 7406
traffic. 7407

(HH) "Through highway" means every street or highway as 7408
provided in section 4511.65 of the Revised Code. 7409

(II) "State highway" means a highway under the 7410
jurisdiction of the department of transportation, outside the 7411
limits of municipal corporations, provided that the authority 7412
conferred upon the director of transportation in section 5511.01 7413
of the Revised Code to erect state highway route markers and 7414
signs directing traffic shall not be modified by sections 7415
4511.01 to 4511.79 and 4511.99 of the Revised Code. 7416

(JJ) "State route" means every highway that is designated 7417
with an official state route number and so marked. 7418

(KK) "Intersection" means: 7419

(1) The area embraced within the prolongation or 7420
connection of the lateral curb lines, or, if none, the lateral 7421
boundary lines of the roadways of two highways that join one 7422
another at, or approximately at, right angles, or the area 7423
within which vehicles traveling upon different highways that 7424
join at any other angle might come into conflict. The junction 7425
of an alley or driveway with a roadway or highway does not 7426
constitute an intersection unless the roadway or highway at the 7427
junction is controlled by a traffic control device. 7428

(2) If a highway includes two roadways that are thirty 7429
feet or more apart, then every crossing of each roadway of such 7430

divided highway by an intersecting highway constitutes a 7431
separate intersection. If both intersecting highways include two 7432
roadways thirty feet or more apart, then every crossing of any 7433
two roadways of such highways constitutes a separate 7434
intersection. 7435

(3) At a location controlled by a traffic control signal, 7436
regardless of the distance between the separate intersections as 7437
described in division (KK) (2) of this section: 7438

(a) If a stop line, yield line, or crosswalk has not been 7439
designated on the roadway within the median between the separate 7440
intersections, the two intersections and the roadway and median 7441
constitute one intersection. 7442

(b) Where a stop line, yield line, or crosswalk line is 7443
designated on the roadway on the intersection approach, the area 7444
within the crosswalk and any area beyond the designated stop 7445
line or yield line constitute part of the intersection. 7446

(c) Where a crosswalk is designated on a roadway on the 7447
departure from the intersection, the intersection includes the 7448
area that extends to the far side of the crosswalk. 7449

(LL) "Crosswalk" means: 7450

(1) That part of a roadway at intersections ordinarily 7451
included within the real or projected prolongation of property 7452
lines and curb lines or, in the absence of curbs, the edges of 7453
the traversable roadway; 7454

(2) Any portion of a roadway at an intersection or 7455
elsewhere, distinctly indicated for pedestrian crossing by lines 7456
or other markings on the surface; 7457

(3) Notwithstanding divisions (LL) (1) and (2) of this 7458

section, there shall not be a crosswalk where local authorities 7459
have placed signs indicating no crossing. 7460

(MM) "Safety zone" means the area or space officially set 7461
apart within a roadway for the exclusive use of pedestrians and 7462
protected or marked or indicated by adequate signs as to be 7463
plainly visible at all times. 7464

(NN) "Business district" means the territory fronting upon 7465
a street or highway, including the street or highway, between 7466
successive intersections within municipal corporations where 7467
fifty per cent or more of the frontage between such successive 7468
intersections is occupied by buildings in use for business, or 7469
within or outside municipal corporations where fifty per cent or 7470
more of the frontage for a distance of three hundred feet or 7471
more is occupied by buildings in use for business, and the 7472
character of such territory is indicated by official traffic 7473
control devices. 7474

(OO) "Residence district" means the territory, not 7475
comprising a business district, fronting on a street or highway, 7476
including the street or highway, where, for a distance of three 7477
hundred feet or more, the frontage is improved with residences 7478
or residences and buildings in use for business. 7479

(PP) "Urban district" means the territory contiguous to 7480
and including any street or highway which is built up with 7481
structures devoted to business, industry, or dwelling houses 7482
situated at intervals of less than one hundred feet for a 7483
distance of a quarter of a mile or more, and the character of 7484
such territory is indicated by official traffic control devices. 7485

(QQ) "Traffic control device" means a flagger, sign, 7486
signal, marking, or other device used to regulate, warn, or 7487

guide traffic, placed on, over, or adjacent to a street, 7488
highway, private road open to public travel, pedestrian 7489
facility, or shared-use path by authority of a public agency or 7490
official having jurisdiction, or, in the case of a private road 7491
open to public travel, by authority of the private owner or 7492
private official having jurisdiction. 7493

(RR) "Traffic control signal" means any highway traffic 7494
signal by which traffic is alternately directed to stop and 7495
permitted to proceed. 7496

(SS) "Railroad sign or signal" means any sign, signal, or 7497
device erected by authority of a public body or official or by a 7498
railroad and intended to give notice of the presence of railroad 7499
tracks or the approach of a railroad train. 7500

(TT) "Traffic" means pedestrians, ridden or herded 7501
animals, vehicles, streetcars, trackless trolleys, and other 7502
devices, either singly or together, while using for purposes of 7503
travel any highway or private road open to public travel. 7504

(UU) "Right-of-way" means either of the following, as the 7505
context requires: 7506

(1) The right of a vehicle, streetcar, trackless trolley, 7507
or pedestrian to proceed uninterruptedly in a lawful manner in 7508
the direction in which it or the individual is moving in 7509
preference to another vehicle, streetcar, trackless trolley, or 7510
pedestrian approaching from a different direction into its or 7511
the individual's path; 7512

(2) A general term denoting land, property, or the 7513
interest therein, usually in the configuration of a strip, 7514
acquired for or devoted to transportation purposes. When used in 7515
this context, right-of-way includes the roadway, shoulders or 7516

berm, ditch, and slopes extending to the right-of-way limits 7517
under the control of the state or local authority. 7518

(VV) "Rural mail delivery vehicle" means every vehicle 7519
used to deliver United States mail on a rural mail delivery 7520
route. 7521

(WW) "Funeral escort vehicle" means any motor vehicle, 7522
including a funeral hearse, while used to facilitate the 7523
movement of a funeral procession. 7524

(XX) "Alley" means a street or highway intended to provide 7525
access to the rear or side of lots or buildings in urban 7526
districts and not intended for the purpose of through vehicular 7527
traffic, and includes any street or highway that has been 7528
declared an "alley" by the legislative authority of the 7529
municipal corporation in which such street or highway is 7530
located. 7531

(YY) "Freeway" means a divided multi-lane highway for 7532
through traffic with all crossroads separated in grade and with 7533
full control of access. 7534

(ZZ) "Expressway" means a divided arterial highway for 7535
through traffic with full or partial control of access with an 7536
excess of fifty per cent of all crossroads separated in grade. 7537

(AAA) "Thruway" means a through highway whose entire 7538
roadway is reserved for through traffic and on which roadway 7539
parking is prohibited. 7540

(BBB) "Stop intersection" means any intersection at one or 7541
more entrances of which stop signs are erected. 7542

(CCC) "Arterial street" means any United States or state 7543
numbered route, controlled access highway, or other major radial 7544

or circumferential street or highway designated by local 7545
authorities within their respective jurisdictions as part of a 7546
major arterial system of streets or highways. 7547

(DDD) "Ridesharing arrangement" means the transportation 7548
of persons in a motor vehicle where such transportation is 7549
incidental to another purpose of a volunteer driver and includes 7550
ridesharing arrangements known as carpools, vanpools, and 7551
buspools. 7552

(EEE) "Motorized wheelchair" means any self-propelled 7553
vehicle designed for, and used by, a handicapped person and that 7554
is incapable of a speed in excess of eight miles per hour. 7555

(FFF) "Child day-care center" and "type A family day-care 7556
home" have the same meanings as in section 5104.01 of the 7557
Revised Code. 7558

(GGG) "Multi-wheel agricultural tractor" means a type of 7559
agricultural tractor that has two or more wheels or tires on 7560
each side of one axle at the rear of the tractor, is designed or 7561
used for drawing other vehicles or wheeled machinery, has no 7562
provision for carrying loads independently of the drawn vehicles 7563
or machinery, and is used principally for agricultural purposes. 7564

(HHH) "Operate" means to cause or have caused movement of 7565
a vehicle, streetcar, or trackless trolley. 7566

(III) "Predicate motor vehicle or traffic offense" means 7567
any of the following: 7568

(1) A violation of section 4511.03, 4511.051, 4511.12, 7569
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 7570
4511.213, 4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 7571
4511.29, 4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 7572
4511.36, 4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 7573

4511.43, 4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 7574
4511.452, 4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 7575
4511.511, 4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 7576
4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 7577
4511.68, 4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 7578
4511.713, 4511.72, 4511.73, 4511.763, 4511.771, 4511.78, or 7579
4511.84 of the Revised Code; 7580

(2) A violation of division (A) (2) of section 4511.17, 7581
divisions (A) to (D) of section 4511.51, or division (A) of 7582
section 4511.74 of the Revised Code; 7583

(3) A violation of any provision of sections 4511.01 to 7584
4511.76 of the Revised Code for which no penalty otherwise is 7585
provided in the section that contains the provision violated; 7586

(4) A violation of section 4511.214 of the Revised Code; 7587

(5) A violation of a municipal ordinance that is 7588
substantially similar to any section or provision set forth or 7589
described in division (III) (1), (2), (3), or (4) of this 7590
section. 7591

(JJJ) "Road service vehicle" means wreckers, utility 7592
repair vehicles, and state, county, and municipal service 7593
vehicles equipped with visual signals by means of flashing, 7594
rotating, or oscillating lights. 7595

(KKK) "Beacon" means a highway traffic signal with one or 7596
more signal sections that operate in a flashing mode. 7597

(LLL) "Hybrid beacon" means a type of beacon that is 7598
intentionally placed in a dark mode between periods of operation 7599
where no indications are displayed and, when in operation, 7600
displays both steady and flashing traffic control signal 7601
indications. 7602

(MMM) "Highway traffic signal" means a power-operated traffic control device by which traffic is warned or directed to take some specific action. "Highway traffic signal" does not include a power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp.

(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection.

(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing.

(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail

that has historically been reserved for nonmotorized use. 7633

(QQQ) "Highway maintenance vehicle" means a vehicle used 7634
in snow and ice removal or road surface maintenance, including a 7635
snow plow, traffic line striper, road sweeper, mowing machine, 7636
asphalt distributing vehicle, or other such vehicle designed for 7637
use in specific highway maintenance activities. 7638

(RRR) "Waste collection vehicle" means a vehicle used in 7639
the collection of garbage, refuse, trash, or recyclable 7640
materials. 7641

(SSS) "Electric bicycle" means a "class 1 electric 7642
bicycle," a "class 2 electric bicycle," or a "class 3 electric 7643
bicycle" as defined in this section. 7644

(TTT) "Class 1 electric bicycle" means a bicycle that is 7645
equipped with fully operable pedals and an electric motor of 7646
less than seven hundred fifty watts that provides assistance 7647
only when the rider is pedaling and ceases to provide assistance 7648
when the bicycle reaches the speed of twenty miles per hour. 7649

(UUU) "Class 2 electric bicycle" means a bicycle that is 7650
equipped with fully operable pedals and an electric motor of 7651
less than seven hundred fifty watts that may provide assistance 7652
regardless of whether the rider is pedaling and is not capable 7653
of providing assistance when the bicycle reaches the speed of 7654
twenty miles per hour. 7655

(VVV) "Class 3 electric bicycle" means a bicycle that is 7656
equipped with fully operable pedals and an electric motor of 7657
less than seven hundred fifty watts that provides assistance 7658
only when the rider is pedaling and ceases to provide assistance 7659
when the bicycle reaches the speed of twenty-eight miles per 7660
hour. 7661

(WWW) "Low-speed micromobility device" means a device 7662
weighing less than one hundred pounds that has handlebars, is 7663
propelled by an electric motor or human power, and has an 7664
attainable speed on a paved level surface of not more than 7665
twenty miles per hour when propelled by the electric motor. 7666

(XXX) "Bail forfeiture" and "forfeited bail" have the same 7667
meanings as in section 2937.01 of the Revised Code. 7668

Sec. 4513.37. Every county court judge, mayor, and clerk 7669
of a court of record shall keep a full record of every case in 7670
which a person is charged with any violation of sections 4511.01 7671
to 4511.78, section 4511.99, and sections 4513.01 to 4513.37 of 7672
the Revised Code, or of any other law or ordinance regulating 7673
the operation of vehicles, streetcars, and trackless trolleys on 7674
highways. 7675

Within seven days after the conviction or bail forfeiture 7676
~~of bail~~ of a person upon a charge of violating any of such 7677
sections or other law or ordinance regulating the operation of 7678
vehicles, streetcars, and trackless trolleys on highways, said 7679
judge, mayor, or clerk shall prepare and immediately forward to 7680
the department of public safety an abstract of the court record 7681
covering the case in which said person was convicted or 7682
forfeited bail, which abstract must be certified by the person 7683
required to prepare the same to be true and correct. 7684

The abstract shall be made upon a form approved and 7685
furnished by the department and shall include the name and 7686
address of the party charged, the number of the party's driver's 7687
or commercial driver's license, the registration number of the 7688
vehicle involved, the nature of the offense, the date of 7689
hearing, the plea, the judgment, or whether there was a bail 7690
~~forfeited~~forfeiture, and the amount of the fine or forfeiture. 7691

Every court of record shall also forward a like report to 7692
the department upon the conviction of any person of manslaughter 7693
or other felony in the commission of which a vehicle was used. 7694

The failure, refusal, or neglect of such officer to comply 7695
with this section constitutes misconduct in office and is ground 7696
for removal therefrom. 7697

The department shall keep all abstracts received under 7698
this section at its main office. 7699

Sec. 4729.65. (A) Except as provided in division (B) of 7700
this section, all receipts of the state board of pharmacy, from 7701
any source, shall be deposited into the state treasury to the 7702
credit of the occupational licensing and regulatory fund. All 7703
vouchers of the board shall be approved by the president or 7704
executive director of the board, or both, as authorized by the 7705
board. All initial issuance fees and renewal fees required by 7706
sections 4729.01 to 4729.54 of the Revised Code shall be payable 7707
by the applicant at the time of making application. 7708

(B) (1) There is hereby created in the state treasury the 7709
board of pharmacy drug law enforcement fund. All moneys that are 7710
derived from any fines, mandatory fines, or forfeited bail to 7711
which the board may be entitled under Chapter 2925., division 7712
(C) of section 2923.42, or division (B) of section 2925.42 of 7713
the Revised Code and all moneys that are derived from 7714
forfeitures of property to which the board may be entitled 7715
pursuant to Chapter 2925. or 2981. of the Revised Code, any 7716
other provision of the Revised Code, or federal law shall be 7717
deposited into the fund. Subject to division (B) (2) of this 7718
section, division (B) of section 2923.44, and divisions (B), 7719
(C), and (D) of section 2981.13 of the Revised Code, the moneys 7720
in the fund shall be used solely to subsidize the drug law 7721

enforcement efforts of the board. 7722

(2) There is hereby created in the state treasury the 7723
board of pharmacy federal equitable sharing justice fund and the 7724
board of pharmacy federal equitable sharing treasury fund. 7725
Notwithstanding any contrary provision in the Revised Code, 7726
moneys that are derived from forfeitures of property pursuant to 7727
federal law shall be deposited into the board of pharmacy 7728
federal equitable sharing justice fund or board of pharmacy 7729
federal equitable sharing treasury fund as determined by the 7730
source of the money, shall be used and accounted for in 7731
accordance with the applicable federal law, and the board 7732
otherwise shall comply with that law in connection with the 7733
moneys. All investment earnings of the board of pharmacy federal 7734
equitable sharing justice fund shall be credited to that fund. 7735
All investment earnings of the board of pharmacy federal 7736
equitable sharing treasury fund shall be credited to that fund. 7737

(C) All fines and forfeited bonds assessed and collected 7738
under prosecution or prosecution commenced in the enforcement of 7739
this chapter shall be paid to the executive director of the 7740
board within thirty days and by the executive director paid into 7741
the state treasury to the credit of the occupational licensing 7742
and regulatory fund. 7743

(D) (1) Except as provided in divisions (D) (2) and (3) of 7744
this section, the board, subject to the approval of the 7745
controlling board, may establish fees in excess of the amounts 7746
provided by this chapter, provided that such fees do not exceed 7747
the amounts permitted by this chapter by more than fifty per 7748
cent. 7749

(2) Division (D) (1) of this section does not apply to fees 7750
required by this chapter to be established at amounts adequate 7751

to cover designated expenses. 7752

(3) Fees established under division (D) (1) of this section 7753
or described in division (D) (2) of this section are subject to 7754
the limitation on fee increases specified in division (A) of 7755
section 4729.83 of the Revised Code. 7756

(E) As used in this section, "forfeited bail" has the same 7757
meaning as in section 2937.01 of the Revised Code. 7758

Sec. 5503.04. (A) Forty-five per cent of the fines 7759
collected from or moneys arising from bail ~~forfeited~~ forfeiture 7760
by persons apprehended or arrested by state highway patrol 7761
troopers shall be paid into the state treasury to be credited to 7762
the general revenue fund, five per cent shall be paid into the 7763
state treasury to be credited to the trauma and emergency 7764
medical services fund created by section 4513.263 of the Revised 7765
Code, and fifty per cent shall be paid into the treasury of the 7766
municipal corporation where the case is prosecuted, if in a 7767
mayor's court. If the prosecution is in a trial court outside a 7768
municipal corporation, or outside the territorial jurisdiction 7769
of a municipal court, the fifty per cent of the fines and moneys 7770
that is not paid into the state treasury shall be paid into the 7771
treasury of the county where the case is prosecuted. The fines 7772
and moneys paid into a county treasury and the fines and moneys 7773
paid into the treasury of a municipal corporation shall be 7774
deposited one-half to the same fund and expended in the same 7775
manner as is the revenue received from the registration of motor 7776
vehicles, and one-half to the general fund of such county or 7777
municipal corporation. 7778

(B) If the prosecution is in a municipal court, forty-five 7779
per cent of the fines and moneys shall be paid into the state 7780
treasury to be credited to the general revenue fund, five per 7781

cent shall be paid into the state treasury to be credited to the 7782
trauma and emergency medical services fund created by division 7783
(E) of section 4513.263 of the Revised Code, ten per cent shall 7784
be paid into the county treasury to be credited to the general 7785
fund of the county, and forty per cent shall be paid into the 7786
municipal treasury to be credited to the general fund of the 7787
municipal corporation. In the Auglaize county, Clermont county, 7788
Crawford county, Hocking county, Jackson county, Lawrence 7789
county, Madison county, Miami county, Ottawa county, Portage 7790
county, and Wayne county municipal courts, that portion of money 7791
otherwise paid into the municipal treasury shall be paid into 7792
the county treasury. 7793

(C) The trial court shall make remittance of the fines and 7794
moneys as prescribed in this section, and at the same time as 7795
the remittance is made of the state's portion to the state 7796
treasury, the trial court shall notify the superintendent of the 7797
state highway patrol of the case and the amount covered by the 7798
remittance. 7799

(D) This section does not apply to fines for violations of 7800
division (B) of section 4513.263 of the Revised Code, or for 7801
violations of any municipal ordinance that is substantively 7802
comparable to that division, all of which shall be delivered to 7803
the treasurer of state as provided in division (E) of section 7804
4513.263 of the Revised Code. 7805

(E) As used in this section, "bail forfeiture" has the 7806
same meaning as in section 2937.01 of the Revised Code. 7807

Section 2. That existing sections 120.08, 122.014, 307.51, 7808
307.511, 307.515, 1901.026, 1901.28, 1901.31, 1907.20, 1907.32, 7809
2329.54, 2713.05, 2713.09, 2713.10, 2713.11, 2713.13, 2713.14, 7810
2713.15, 2713.16, 2713.17, 2713.18, 2713.19, 2713.20, 2713.21, 7811

2713.22, 2713.23, 2713.24, 2713.25, 2713.26, 2715.25, 2725.18, 7812
2743.70, 2746.02, 2907.41, 2919.251, 2925.01, 2925.02, 2925.03, 7813
2925.04, 2925.041, 2925.05, 2925.11, 2935.10, 2935.13, 2935.14, 7814
2935.27, 2937.01, 2937.03, 2937.08, 2937.09, 2937.15, 2937.16, 7815
2937.17, 2937.222, 2937.23, 2937.24, 2937.25, 2937.26, 2937.27, 7816
2937.28, 2937.281, 2937.29, 2937.30, 2937.33, 2937.34, 2937.35, 7817
2937.36, 2937.37, 2937.39, 2937.40, 2937.41, 2937.45, 2937.46, 7818
2941.58, 2949.091, 2949.093, 2949.094, 2949.111, 2953.31, 7819
2963.13, 3319.292, 3719.21, 3772.01, 3772.36, 4501.11, 4506.01, 7820
4506.16, 4509.01, 4509.35, 4510.01, 4510.03, 4511.01, 4513.37, 7821
4729.65, and 5503.04 of the Revised Code are hereby repealed. 7822

Section 3. That sections 2937.22, 2937.31, 2937.32, and 7823
2937.38 of the Revised Code are hereby repealed. 7824

Section 4. The General Assembly, applying the principle 7825
stated in division (B) of section 1.52 of the Revised Code that 7826
amendments are to be harmonized if reasonably capable of 7827
simultaneous operation, finds that the following sections, 7828
presented in this act as composites of the sections as amended 7829
by the acts indicated, are the resulting versions of the 7830
sections in effect prior to the effective date of the sections 7831
as presented in this act: 7832

Section 1901.31 of the Revised Code as amended by both 7833
H.B. 49 and S.B. 25 of the 132nd General Assembly. 7834

Section 2925.01 of the Revised Code as amended by H.B. 341 7835
and H.B. 442 both of the 133rd General Assembly. 7836

Section 2925.02 of the Revised Code as amended by both 7837
S.B. 1 and S.B. 201 of the 132nd General Assembly. 7838

Section 2925.03 of the Revised Code as amended by H.B. 7839
111, S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General 7840

Assembly.	7841
Section 2925.04 of the Revised Code as amended by both S.B. 1 and S.B. 201 of the 132nd General Assembly.	7842 7843
Section 2925.05 of the Revised Code as amended by both S.B. 1 and S.B. 201 of the 132nd General Assembly.	7844 7845
Section 2925.11 of the Revised Code as amended by S.B. 1, S.B. 201, and S.B. 229, all of the 132nd General Assembly.	7846 7847
Section 2937.23 of the Revised Code as amended by both H.B. 202 and S.B. 142 of the 123rd General Assembly.	7848 7849